

DOCUMENT RESUME

ED 383 275

HE 028 388

TITLE Redeeming the American Promise. Report of the Panel on Educational Opportunity and Postsecondary Desegregation.

INSTITUTION Southern Education Foundation, Atlanta, Ga.

REPORT NO ISBN-0-9646748-0-7

PUB DATE 95

NOTE 157p.; Executive summary (p. xv-xxiii) also published separately.

AVAILABLE FROM Southern Education Foundation, 135 Auburn Ave., N.E., Second Floor, Atlanta, GA 30303-2503 (free, while supplies last).

PUB TYPE Reports - Descriptive (141)

EDRS PRICE MF01/PC07 Plus Postage.

DESCRIPTORS Black Colleges; *Blacks; *College Desegregation; College Segregation; Desegregation Litigation; *Educational Opportunities; *Educational Policy; *Equal Education; Government Role; Higher Education; Hispanic Americans; Minority Groups; *State Action; State Aid

IDENTIFIERS Alabama; Florida; Georgia; Kentucky; Louisiana; Maryland; Mississippi; North Carolina; Pennsylvania; Tennessee; Texas; Virginia

ABSTRACT

This report examines efforts by 12 formerly segregated states (Alabama, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Pennsylvania, Tennessee, Texas, and Virginia) to desegregate their higher education systems and increase educational opportunities for black and other minority students. It found that none of the states that had formerly operated a dual system of higher education demonstrated an acceptable level of success in desegregation, and that substantial remnants of segregation continue to shape higher education in these states. It recommends that these states: (1) address the systemic nature of the problem; (2) develop institutional plans; (3) make access an institutional mission; (4) make success an institutional responsibility; (5) make community colleges full partners in higher education; (6) measure success and failure; (7) support historically black institutions; (8) restructure rather than close or merge institutions; (9) promote public and private leadership; and (10) invest adequate funds in reform. Five appendixes provide selected data from the 12 states, a model desegregation order, a list of panel meetings and hearings, a list of presenters, and a list of commissioned papers. (MDM)

* Reproductions supplied by EDRS are the best that can be made *

* from the original document. *

ED 383 275

REDEEMING THE AMERICAN PROMISE

"PERMISSION TO REPRODUCE THIS
MATERIAL HAS BEEN GRANTED BY

Southern Education

Foundation

TO THE EDUCATIONAL RESOURCES
INFORMATION CENTER (ERIC)."

Report of the
PANEL ON EDUCATIONAL OPPORTUNITY AND
POSTSECONDARY DESEGREGATION

Southern Education Foundation

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION
CENTER (ERIC)

☒ This document has been reproduced as
received from the person or organization
originating it.

☐ Minor changes have been made to
improve reproduction quality.

• Points of view or opinions stated in this
document do not necessarily represent
official OERI position or policy.

ERIC
Full Text Provided by ERIC

BEST COPY AVAILABLE

REDEEMING THE AMERICAN PROMISE

Report of the
**Panel on Educational Opportunity
and Postsecondary Desegregation**

Southern Education Foundation

THE SOUTHERN EDUCATION FOUNDATION

For more than 125 years the Southern Education Foundation and its predecessor funds have worked to promote equity and quality in education in the South, primarily for black and disadvantaged citizens. As a public charity, the Foundation operates its own programs and takes a direct and active role in promoting positive change in education in the region.

As part of its mission to promote equity in education in the South, the Foundation has been closely involved in efforts to desegregate higher education. For many years, in response to the litigation in *Adams v. Richardson*, it was at the center of private efforts to affect public decision-making about black public colleges and universities and to enhance the effectiveness of these institutions.

SEF was created in 1937 when four funds committed to improving education in the South were incorporated to form a single philanthropic entity. These funds were: The Peabody Education Fund (1867), created by George Peabody to assist in the education of "children of the common people in the more destitute portions" of the post-Civil War South; the John F. Slater Fund (1882), the first philanthropy in the United States devoted to education for blacks; The Negro Rural School Fund (1907), created by Philadelphian Anna T. Jeanes, to support black master teachers who assisted rural Southern schools; and the Virginia Randolph Fund (1937), created to honor the first of these "Jeanes teachers" with monies raised from Jeanes teachers across the South.

© 1995 Southern Education Foundation, Inc.
Atlanta, Georgia
All rights reserved.
Printed in the United States of America.
First Edition.

ISBN 0-9646748-0-7

Portions of this work may be reproduced without permission, provided that acknowledgement is given to "Redeeming The American Promise." Limited permission is also granted for larger portions to be reproduced by nonprofit and public agencies and institutions only, solely for noncommercial purposes and again provided that acknowledgement as expressed above is prominently given. Reproduction or storage in any form of electronic retrieval system for any commercial purpose is prohibited without the express written permission of the authors.

Limited copies of "Redeeming The American Promise" are available (while supplies last) from the Southern Education Foundation, 135 Auburn Ave., NE, Second Floor, Atlanta, GA 30303-2503.

CONTENTS

List of Figures	v
Preface	vii
Members of the Panel	ix
Members of the Technical Task Force	xi
Acknowledgements	xiii
Executive Summary	xv

Redeeming The American Promise

Chapter 1: Miles to Go	1
Chapter 2: The Legal Context	9
Chapter 3: Building a New System	19
Chapter 4: Access	25
Chapter 5: Success	35
Chapter 6: Promoting Opportunity	43
Endnotes	54
Supplemental Statements	58

Appendices

A. Selected Data from Twelve States	A-1
B. Model Higher Education Desegregation Order	B-1
C. Panel Meetings and Hearings	C-1
D. Presenters to the Panel and Meeting Participants	D-1
E. Commissioned Papers	E-1

LIST OF FIGURES

Figure 1:	Average Yearly Earnings for Persons 18 and Older by Level of Education, 1992	5
Figure 2:	Average Annual Income of Blacks by Level of 1989 Education	5
Figure 3:	Proportions of Blacks and Whites among Various Populations, 1990-91	26
Figure 4:	Proportions of Black and White Enrollments in Traditionally White and Historically Black Public Institutions, 1992	27
Figure 5:	14-24-Year-Olds Who Have Completed at Least One Year of College, 1972-1992	27
Figure 6:	Percentage of 1982 High School Graduates Attending College by Geometry Classes and Race/Ethnicity	28
Figure 7:	First-Time Full-Time Freshman Enrollment in 12 States: What Institutions Blacks Attended in 1991	30
Figure 8:	Federal Loan and Pell Grant Figures, Selected Years, Fiscal 1976-1995	32
Figure 9:	Degrees Conferred by Public Colleges and Universities, 1991, by Race/Ethnicity and Population Distribution for 12 Southern and Border States	36
Figure 10:	Proportions of Adult Blacks and Whites with a Bachelor's Degree or Higher, 1990	37
Figure 11:	Percent of Minority Faculty by State and Type of Public Institution, 1991	40
Figure 12:	Minority Ph.D. Recipients, by Field and Sex at Public and Private Institutions, 1991	41
Figure 13:	Number of Doctorates by State, 1991	41

PREFACE

In June 1992, the United States Supreme Court, in *United States v. Fordice*, ruled that states must eliminate the remnants of officially imposed segregation from their colleges and universities. The decision brought new focus to unresolved issues of racial inequity in higher education that are connected to the legacy of segregation.

The Southern Education Foundation (SEF), an Atlanta-based public charity concerned about equity throughout public education, had for more than 25 years been deeply engaged with many of the issues addressed by the Court in its opinion. SEF was convinced that *Fordice* provided a significant chance to address comprehensively issues of race and education in a way that would, at last, provide real opportunity for minority students. After analyzing the *Fordice* decision, conferring with experts, and holding two small consultations, SEF established the Panel on Educational Opportunity and Postsecondary Desegregation.

The 26-member Panel was constituted to reflect diverse perspectives about many of the issues that confront states and the lower courts as they attempt to interpret and comply with *Fordice*. The Panel consists of educators, including presidents of historically black and traditionally white institutions, leaders of educational associations, school superintendents, elected officials, activists, lawyers, and business persons. All have had extensive experience with higher education and each has a demonstrated commitment to minority opportunity and success.

The Foundation asked the Panel to approach the legal mandate to desegregate postsecondary institutions as a gateway to the larger and more compelling issue of assuring expanded opportunities for minorities in a reformed system of public higher education. *Fordice*, in holding that states must desegregate in accordance with "sound educational practices," signalled that the needs of students and the opinions of experts about how these needs can be met would be significant considerations in any efforts to build new, nonracial higher education systems. The Panel was invited to consider what sound educational practices might best promote minority access to and success in higher education and how the

implementation of these practices would result in a higher education system where students' choice of institutions and the opportunity to succeed in them is not limited by race.

This report, like the decision in *Fordice*, responds to the legacy of *de jure* segregation in the South. While we are concerned primarily with developing and implementing effective remedies for the discrimination suffered by blacks in 19 states, we also draw on and discuss the situation of Hispanics in those states. Educational opportunities for Hispanics were limited by both legally mandated and *de facto* segregation. This resulted not only in the development of Hispanic-serving institutions, but also in Hispanic experiences with access and success in higher education that are analogous to those of blacks. Thus, when the report uses the term "minority," it refers to blacks and Hispanics.

In the course of an 18-month investigation, Panel members met 10 times and held four hearings to listen to students, faculty members, and administrators from higher education institutions ranging from community colleges to flagship universities. They met separately with leaders in higher education, including presidents of historically black institutions. They listened to representatives from the federal government, state agencies, state systems of higher education, and the public schools. They explored the constitutional and legal ramifications of *Fordice* with civil rights attorneys from government and elsewhere. Testimony from these meetings and hearings appears throughout the report.

The Foundation also convened a 12-person Technical Task Force of lawyers and academic leaders to work with the Panel. The task force met regularly, collected and analyzed enormous amounts of data, developed position papers on key issues, and made presentations to the Panel. The combination of meetings, hearings, and data analysis comprised an intense examination of desegregation and higher education.

Fordice is the law of the land. Its implications extend far beyond Mississippi, potentially affecting every one of the 19 states with a history of dual systems. *Fordice* raises issues for federal and state governments and for businesses and nonprofit organizations.

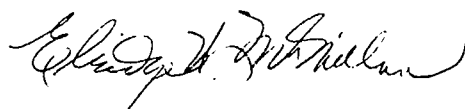
Fordice offers a new approach to fashioning desegregation strategies that will affect the entire nation and gives the South the chance to take the lead in developing effective solutions to enduring problems.

The conclusions and recommendations set forth in this report are the outcomes of months of discussion and debate by a diverse and dedicated group. The issues that we treat are complex and nuanced. Individual Panel members may differ on issues about which they have particularly strong views, but the decisions of the Panel are reflected in the report's analysis, themes, and recommendations. Over 40 years after the Supreme Court outlawed "separate but equal" schools, southern states have

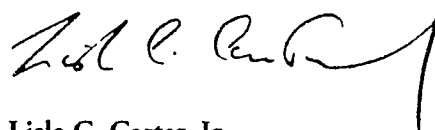
not fully desegregated their public colleges and universities. Times have changed, but the legal and moral imperatives to desegregate public higher education and to provide opportunity for all students abide.

On behalf of the Panel, we want to express our appreciation to the Ford Foundation for its generous support of this work. We also want to acknowledge the work of our staff, consultants, and task force under the outstanding leadership of Robert A. Kronley — they brought vision, commitment, and energy to developing creative and comprehensive approaches to higher education desegregation.

— May 17, 1995



Elridge W. McMillan
Panel Co-Chair



Lisle C. Carter, Jr.
Panel Vice-Chair

PANEL ON EDUCATIONAL OPPORTUNITY AND POSTSECONDARY DESEGREGATION

Elridge W. McMillan, Co-Chair

President
Southern Education Foundation
Atlanta, Georgia

John G. Medlin, Jr., Co-Chair¹

Chairman of the Board
Wachovia Corporation
Winston-Salem, North Carolina

Lisle C. Carter, Jr., Vice-Chair

Former President
University of the District of Columbia
Flint Hill, Virginia

Robert L. Albright

Executive Vice President
Educational Testing Service
Princeton, New Jersey

Robert Atwell

President
American Council on Education
Washington, D.C.

Jim Dyke

Partner, McGuire Woods Battle and Boothe, L.L.P.
Former Secretary of Education
Commonwealth of Virginia
McLean, Virginia

Jean E. Fairfax

Consultant
Phoenix, Arizona

Norman C. Francis

President
Xavier University of Louisiana
New Orleans, Louisiana

Erwin A. Friedman

Vice President
Savannah Land Company
Savannah, Georgia

William H. Gray, III

President and Chief Executive Officer
United Negro College Fund, Inc.
Fairfax, Virginia

Antonia Hernandez

President and General Counsel
Mexican-American Legal Defense and Educational Fund
Los Angeles, California

David Hornbeck

Superintendent of Schools
School District of Philadelphia
Philadelphia, Pennsylvania

N. Gerry House

Superintendent
Memphis City Schools
Memphis, Tennessee

Frederick S. Humphries

President
Florida A&M University
Tallahassee, Florida

Charles B. Knapp

President
University of Georgia
Athens, Georgia

C. Peter Magrath

President
National Association of State Universities and Land Grant
Colleges
Washington, D.C.

Ruby G. Martin

Consultant
Former Secretary of Administration
Commonwealth of Virginia
Richmond, Virginia

Laudelina Martinez

President
Hispanic Association of Colleges and Universities
San Antonio, Texas

Jacqueline Townes McGee

Former State Representative
District 42, Missouri
Kansas City, Missouri

1. Through December 31, 1994

Mark D. Musick

President
Southern Regional Education Board
Atlanta, Georgia

Samuel L. Myers, Sr.

President
National Association for Equal Opportunity in Higher
Education
Washington, D.C.

Howard P. Rawlings

Delegate
Maryland General Assembly
Chairman, Committee on Appropriations
Baltimore, Maryland

Dolores R. Spikes

President
Southern University System
Baton Rouge, Louisiana

Donald M. Stewart

President
College Board
New York, New York

Michael Timpone

Vice President and Senior Scholar
Carnegie Foundation for the Advancement of Teaching
President Emeritus
Teachers College, Columbia University
Spring Lake, New Jersey

William F. Winter

Partner, Watkins Ludlam and Stennis
Former Governor of Mississippi
Jackson, Mississippi

Robert A. Kronley

Project Director
Senior Consultant
Southern Education Foundation
Atlanta, Georgia

TASK FORCE ON EDUCATIONAL OPPORTUNITY AND POSTSECONDARY DESEGREGATION

Cynthia G. Brown

Director, Resource Center on Educational Equity
Council of Chief State School Officers
Washington, D.C.

Wendy Brown-Scott

Associate Professor of Law
Tulane University
New Orleans, Louisiana

Edgar Epps

Professor of Urban Education
University of Chicago
Chicago, Illinois

Mildred García

Assistant Vice President for Academic Affairs
Montclair State College
Montclair, New Jersey

Hector Garza

Director, Office of Minorities in Higher Education
American Council on Education
Washington, D.C.

Michael Nettles

Professor of Education
University of Michigan
Ann Arbor, Michigan

Gary Orfield

Professor of Education and Public Policy
Harvard University
Cambridge, Massachusetts

N. Joyce Payne

Director, Office for the Advancement of Public Black
Colleges
National Association of State Universities and Land
Grant Colleges
Washington, D.C.

Joseph H. Silver, Sr.

Assistant Vice Chancellor for Academic Affairs
Georgia Board of Regents
Atlanta, Georgia

David Tatel¹

Partner, Hogan and Hartson
Washington, D.C.

Gail E. Thomas

Professor of Sociology and
Director of the Race and Ethnic Studies Institute
Texas A&M University
College Station, Texas

John Williams

Associate Professor
School of Education
Harvard University
Cambridge, Massachusetts

1. Resigned October 1994 after nomination by President Clinton to the Court of Appeals for the District of Columbia.

ACKNOWLEDGEMENTS

The work of the Southern Education Foundation's Panel on Educational Opportunity and Postsecondary Desegregation would not have been possible without support, assistance, and advice from many individuals, institutions, and organizations. We are especially grateful to those who appeared before the Panel as presenters at meetings and witnesses at hearings. Their contributions have been crucial to this report. We list their names in Appendices C and D.

We should also like to thank those who provided warm welcomes and generous assistance to the Panel as it met and held hearings at different sites. In particular, we wish to thank Harrison Wilson at Norfolk State University and Betty Castor at the University of South Florida for opening their campuses to us, and Malverse Nicholson and Jack Crocker for graciously facilitating our hearings in Norfolk and Tampa. We should also like to thank James Koch and Cece Tucker at Old Dominion University for their cooperation in planning and implementing the Norfolk hearing. Representative Wilhelmina Delco and the able staff at the Texas State Capitol provided an ideal meeting place for our hearing in Austin.

The faculty, administration, and students at Prairie View A&M University, the University of North Carolina at Chapel Hill, the University of Texas at El Paso, and Virginia Commonwealth University welcomed researchers from our Task Force. The College Board in New York and the National Association of State Colleges and Land Grant Universities opened their doors for us to hold supplemental meetings of the Panel. Both The College Board and American College Testing provided

important data and analysis on tests and testing.

In this report we stress the central role of the federal government in ensuring educational equity. We wish to thank Norma Cantù, Assistant Secretary for Civil Rights in the Department of Education, and her staff for their encouragement. Similarly, we thank Nathaniel Douglas, formerly of the Justice Department's Civil Rights Division, for important insights into the ramifications of the decision in *United States v. Fordice*. We wish to recognize also the cooperation and consideration, as well as the information, we received from state officials in the 12 states we chose for detailed analysis in this report.

Two individuals on the SEF staff contributed to these efforts: Diana DeBrohun coordinated communications for the project and Grace Aarons assisted with logistics.

Countless others — too many to name individually — graciously provided us with information, referred us to sources, and freely gave both of their time and expertise. We are profoundly grateful to them. We are grateful also to the many individuals who contributed to the various drafts of this document. We would especially like to thank Beth Rudowske for a painstaking job of editing.

Finally, we want to give special thanks to three dedicated people for their outstanding efforts. John Borkowski provided ongoing analysis of a complex and changing legal context. Eileen O'Brien conducted research, analyzed data, and prepared materials for the Panel's review. Mona Sanders served as the project's assistant director and was centrally involved in all of its aspects, from conception to completion.

EXECUTIVE SUMMARY

Forty-one years after the United States Supreme Court's historic decision in *Brown v. Board of Education*, not one of the 12 formerly segregated states examined by the Southern Education Foundation's Panel on Educational Opportunity and Postsecondary Desegregation can demonstrate an acceptable level of success in desegregating its higher education system. Substantial remnants of segregation continue to shape higher education in these states, and consequently opportunity for minority students is limited, fragmented, and uneven. For them, the promise of equal opportunity for a high-quality education has not been kept. As a result:

- Minority college students have limited access to predominantly white four-year institutions; in all but two of the states that were analyzed, more than three of every five black first-time freshmen attended either historically black colleges and universities (HBCUs) or community colleges; in eight of these states, fewer than 10 percent of black first-time freshmen were enrolled in the state's flagship institution; only three of all public HBCUs report that 10 percent or more of their first-year class is white.
- In Florida and Texas, two states with significant Hispanic populations, Hispanic students are severely underrepresented in four-year institutions. In Florida, 15 percent of the state's 17- to 21-year-old population is Hispanic, but only 11 percent of the first-year, full-time students in the four-year institutions are. In Texas the figures are 32 percent and 19 percent, respectively.
- Blacks and Hispanics are underrepresented among bachelor's degree recipients in every state and in every field of study, with the following exceptions: In Louisiana, the proportion of bachelor's degrees awarded to blacks in engineering and physical sciences exceeds their share of the state's population, and in Florida, the percentage of bachelor's degrees conferred to Hispanics in foreign languages surpasses their representation among the state's population.

- In the 12 states, blacks account for an average of 25 percent of the college-age population, yet they represent only 16 percent of full-time freshmen and 10 percent of bachelor's degree recipients.
- The percentage of white adults who hold bachelor's degrees in all 12 states is approximately twice as high as the proportion of black adults who are college graduates.

Minorities are also denied full participation as faculty in institutions of higher education:

- The shortage of minority faculty — black and Hispanic — is acute in every institution and in every state. Across the board, the higher the faculty rank, the lower the representation of black and Hispanic faculty.
- In the states that we studied, on average blacks earn fewer than 4 percent of total doctorates awarded, although they account for 20 percent of the population.

Increasingly, minority students tell of feeling unwelcome at majority institutions and that the environments at these institutions negatively affect what and how they learn.

- Recent poll results report that only one-quarter of academic administrators believe that their campuses provide a "very good" or "excellent" climate for black students; even fewer believe that their campus climates are supportive of Hispanic students.
- Another national survey revealed that almost one-third (32 percent) of black students had experienced racial harassment; 51 percent had heard faculty make inappropriate remarks regarding minority students.

To change this situation — and to make real the promise of equal opportunity — race must finally be disentangled from education. Desegregation remains a powerful way to effect this transformation. The Southern Education Foundation's Panel on Educational Opportunity and Postsecondary Desegregation has concluded that the United States Supreme Court's decision in *U.S. v. Fordice* presents a compelling opportunity to eliminate race as an impediment to student access and achievement in higher education. *Fordice*, the first full application of the principles set forth in *Brown v. Board of Education* to higher education, emphasizes "sound educational practices" — ones that are rooted in the interests of students — as the means by which to effect desegregation. *Fordice* presents an approach to transforming education so that it focuses on opportunity and no longer disadvantages individuals and institutions on the basis of race. It also provides a chance for the South to lead the way in designing effective and lasting solutions to issues of minority access and success in higher education.

RECOMMENDATIONS

The Panel's ultimate goal is higher education that is student-centered, where choice of institutions is unfettered, and success is realizable for everyone, regardless of race. Each institution has a defined and separate mission, but each is linked to the others and to elementary and high schools. The institutions and people in this system are all accountable for their performance and rewarded for results. To attain this goal, the Panel makes 10 recommendations. These were shaped by core beliefs that the Panel came to share during its investigation. The Panel believes that:

- Higher education is central to opportunity. While a college degree is increasingly essential to success, race remains a barrier to full participation in higher education for too many minority students.
 - Effective higher education desegregation requires comprehensive reform. All sectors must collaborate — including elementary and secondary education and community colleges — to develop and implement strategies that will lead to better results for students.
 - The Supreme Court's decision in *U.S. v. Fordice* provides a framework for fundamental reform in higher education because it enables us to approach desegregation by focusing on the needs of students. A comprehensive, student-centered approach to desegregation emphasizes results and requires accountability.
 - Achieving a fully desegregated system — one that promotes choice and offers opportunity — requires the vision, commitment, and will of government, courts, educators, and private citizens, including students and their families. Opportunity cannot be defined and driven by the law alone.
- The Panel's recommendations are related parts of a coherent whole. Each is connected to the others and, to work effectively, each must be implemented in conjunction with the others. To desegregate higher education and promote opportunity, we must:
1. **Address the systemic nature of the problem: Create comprehensive state plans**
 - Every state which formerly operated a dual system of higher education should develop a long-term plan containing comprehensive and coordinated remedies that effectively treat public schools and higher education as one system.
 - As the first step in this effort, governors should convene every state agency and instrumentality responsible for the development, funding, and implementation of public policies in education and related areas to determine how best to eliminate the vestiges of segregation and advance educational opportunity.
 2. **Make campuses responsible: Develop institutional plans**
 - Each public institution of higher education should be required to develop its own plan outlining how it proposes to promote minority access and success.
 3. **Provide a fair start: Make access an institutional mission**
 - All colleges and universities in the state system should adopt policies and practices that will expand access to high-quality education for more minority students and promote opportunity.

4. Level the playing field: Make success a core institutional responsibility

- States and institutions should declare their commitment to success for all students and then work relentlessly to ensure it.

5. Strengthen the system: Make community colleges full partners in higher education

- State and institutional plans should promote easy transfer between two- and four-year institutions.

6. Be clear about accomplishments: Measure success and failure

- States should develop accountability measures keyed to the missions of individual institutions as well as to indicators of progress toward institutional and statewide desegregation goals.
- All elements of higher education governance — from state boards to faculty and administrations at individual institutions — must be accountable for promoting real progress in desegregation.

7. Advance access and enhance success: Support historically black institutions

- States should take advantage of the capacity of historically black institutions to advance access and equity.
- States should enhance these institutions to promote desegregation.

8. Build on strength: Restructure systems rather than close or merge institutions

- In creating nonracial systems, states should transform institutions through new mission statements, creative program assignments, and enhanced institutional cooperation, avoiding the closure of HBCUs, and merging or consolidating institutions only as a last resort.

9. Share responsibility for effective desegregation: Promote leadership from both the public and private sectors

- Desegregation and the provision of opportunity are not exclusively the province of educators — they require collaborative leadership from all sectors.

10. Make promises real: Invest in reform

- States and the federal government must make good on their commitments to students and families by financing the promises they have made.

Implementing these recommendations is the first step toward redeeming the American promise of equal educational opportunity.

MILES TO GO

Despite the progress resulting from the civil rights revolution of the last generation, large remnants of America's fixation with race continue to disadvantage too many Americans. These remnants are powerfully present within the nation's colleges and universities — nowhere more so than in the southern states that at one time operated dual systems of higher education — one for whites, the other for blacks.

Yet much has changed in the region. The duty to desegregate elementary and secondary education has, in many ways, begun to liberate the South from its past. In the 1980s, the region took the lead in promoting public school reform. A similar opportunity now presents itself with regard to higher education. The South's unique history gives it a special chance to find effective and lasting solutions for problems that affect the entire nation.

The future of the nation and the future of minority children and youth are one. And it is in our nation's schools, colleges, and universities that this future can be determined. It will be shaped by our success in developing and utilizing the talents of an increasingly diverse population. Our educational institutions must prepare students to live and work in a new environment and, in so doing, strengthen both the fabric of our society and our connections to each other.

Desegregation enables the nation to embrace one of its defining values — equality of opportunity.

Democracy is strengthened when students of different races are educated together in institutions that are dedicated to the development of the full social and intellectual capacities of each of them.

A new chance to desegregate higher education is provided by the Supreme Court's 1992 decision in *U.S. v. Fordice*. If we seize the initiative we can transform higher education so that it focuses on opportunity for students and no longer disadvantages individuals and institutions because of race.

The transforming challenge facing the United States today is to keep the promise it has made to all of its citizens and to put behind it the shame, anger, and pain of the nation's racial history. The nation has promises to keep. Although miles stretch out ahead before rest is earned, the passage has been paid and the nation's people must, together, go forward and redeem the American promise of opportunity for all.

THE LEGAL CONTEXT

In the century after the Civil War, 19 states established segregated colleges and universities, primarily to keep blacks out of white institutions and to limit their entry to all but the most menial occupations. States found numerous ways to keep their institutions segregated and to keep graduate and professional education beyond the reach of blacks.

For blacks in the South, segregation was strictly enforced and there was never a pretense of equality. Despite state-imposed restrictions, historically black colleges evolved into full-fledged college-level institutions — many offering graduate-level degrees. These institutions took primary responsibility for educating black students in the South and had remarkable success in doing so.

Yet, even their best efforts have not been able to compensate fully for the harm inflicted on black students by official policies. The vestiges of these policies remain, and black students continue to suffer from more limited access to and lower rates of success in higher education than do their white peers.

From 1954 to 1992, the Supreme Court heard numerous elementary and secondary education cases, but no significant higher education desegregation cases. States argued that if they were not using their powers to require segregation in higher education, they were doing all that the law required. The federal government and

many private citizens disagreed with this interpretation, and in 1978, with the approval of the federal courts in *Adams v. Richardson*, the government developed criteria for desegregating higher education. By the mid-1980s, however, the federal government de-emphasized the pursuit of these criteria and limited the collection of relevant data to monitor states' progress in implementing these plans.

Many states, including Mississippi, continued to argue that nondiscriminatory admissions policies were all that was required in higher education. In 1975, a group of Mississippi blacks, led by Jake Ayers, sued the state in federal court to demand a more equitable system of higher education — requesting, among other things, enhanced funding for the state's three historically black colleges. The Mississippi case went to trial in 1987 and the district court concluded that state officials were not violating federal law because the state's duty to desegregate only extended to ensuring that its policies are racially neutral. The United States Court of Appeals affirmed the court's decision.

In 1992, the Supreme Court agreed to review the rulings by the lower courts in Mississippi and, in *U.S. v. Fordice*, concluded that the lower courts had failed to apply the correct legal standard to the state's public university system. The Supreme Court said that discriminatory policies and practices could exist even if there are race-neutral admissions. According to the Court, "if policies traceable to the *de jure* system are still enforced and have discriminatory effects, these policies too [in addition to segregative admissions policies] must be reformed to the extent practicable and consistent with sound educational practices." The Court identified four areas in which Mississippi's policies appeared problematic: admissions policies, program duplication, mission statements, and the number of institutions.

The Court ordered the state to remove or correct these vestiges and to consider, among other things, closing or merging some of the eight extant institutions. *Fordice* thus raised the possibility that historically black colleges and universities — the very institutions that have provided opportunities for blacks — might be sacrificed in the name of desegregation.

The Supreme Court decision in *Fordice* appeared to resolve several important questions. First, it recognized the continuing legacy of segregation in the persistence of racial inequity in public higher education. Second, the Court confirmed that its decision in *Brown* applies to public higher education. Third, the Court rejected the

argument that the adoption of race-neutral policies was a sufficient remedy in states that had previously mandated racial segregation in higher education. The correct standard, said the Supreme Court, is whether any "policies traceable to the *de jure*" system are still in force and have discriminatory effects. Fourth, the Court, in saying that such policies should be remedied "consistent with *sound educational practices*," indicated that the lower courts should defer, to some degree, to educators. Finally, the Supreme Court affirmed that vestiges of segregation must be eliminated systemwide in higher education.

Fordice also left several important issues to be resolved by the lower courts, including how to determine whether a policy or practice is traceable to past segregation and what types of remedial measures are appropriate. Several lower court rulings since the Supreme Court decision in *Fordice* — in Alabama, Louisiana, and Mississippi — offer some guidance on these issues. Some of the remedial measures — including enhancement of HBCUs, linkages to community colleges, and an avoidance of closure and merger — are encouraging. They do not, however, take a comprehensive, student-centered, and accountability-driven approach to ensuring greater access to and success in higher education for minority students.

The legal history is the starting point of a journey that will end only when real educational opportunity is available to all students. The courts are a necessary, but ultimately imperfect, means of resolving issues of equity in higher education. Our goal must be educational systems that provide all students with equal access to high-quality educational institutions and equal opportunity to succeed once they have been admitted. A powerful way to reach that goal is by understanding and applying the sound educational practices to which *Fordice* gave special prominence. The Panel believes that "*sound educational practices*" are those that promote the interests of students, and that *Fordice* enables state and education leaders to emphasize these interests. It is individual students who have been harmed by the legacy of segregation and who must be provided with the choice and opportunity called for by *Fordice*. This means that states must attack the systemic underlying failures of public education, from pre-kindergarten through postgraduate education, and create, in effect, a comprehensive education system that provides all students with an education of high quality.

BUILDING A NEW SYSTEM

Higher education can be transformed and nonracial systems created if state and academic leaders adopt three principles. They are:

- **Student-centered:** Education must become student-centered; systems must be organized to advance the interests and respond to the needs of students rather than the preferences of the institutions created to meet those needs.
- **Comprehensive:** States must concentrate on systemwide approaches to desegregation and equal opportunity and promote the principle that each sector of education — kindergarten through grade 12 (K-12), community colleges, four-year colleges, and graduate schools — is linked to the others. The states cannot use their failure to provide an education of high quality to all students in public schools as a rationale for their failure to desegregate higher education. They must treat all of education as one system in shaping remedies that will eliminate the vestiges of segregation.
- **Accountable and Performance-Driven:** Education must be performance-based and accountable for results.

In a nonracial system of higher education, traditionally white institutions will demonstrate convincingly that they no longer restrict or exclude minority students, and that they provide them with an education of high quality. In this system, HBCUs will not be relegated by state policy to second-tier status.

The Panel emphatically rejects closing HBCUs to promote desegregation. Both traditionally white and historically black institutions are vestiges of purposeful, state-imposed segregation. No set of institutions has any more right than another to survive. The burden of desegregation should not fall exclusively or disproportionately on HBCUs.

Furthermore, it is not educationally sound to desegregate systems by eliminating institutions which are the primary providers of effective minority access to higher education. When given the opportunity, HBCUs consistently demonstrate their capacity to provide high-quality programs that can attract white students.

A good-faith, comprehensive response to the challenge presented by *Fordice* will put a human face on the

idea of desegregation. *Fordice* enables us to develop comprehensive new approaches and more meaningful measures of success. By emphasizing the interests of students, it allows us to concentrate on education at all levels and to promote opportunity for all by adopting a systemic, results-oriented approach to desegregation.

ACCESS

Access for minority students must be the very first consideration in building a desegregated system that provides all students with both choice and opportunity. Students who never enter the nation's colleges and universities will never graduate from them.

The standard that the Panel recommends to measure access is similar to the one adopted by the federal government almost two decades ago: Minority student representation in public institutions of higher learning should equal their representation among high school graduates. We have a long way to go to meet that standard. To do so, we must deal with three problems:

Inadequate Preparation for College Work

Tracking and Curricular Exposure. To get to college, black students in the South must depend on some of the worst public schools in the United States in terms of facilities and course offerings. Among the most pernicious of the practices facing them is that of tracking them into dead-end curricula. Recent studies demonstrate that minority students disproportionately suffer this fate. For example, a College Board examination of nationwide course-taking patterns by race, ethnicity, and secondary schools revealed that minority students are directed away from courses designed to prepare them for college — algebra, geometry, foreign languages, and laboratory sciences — and into undemanding “general” tracks, in which mathematics is likely to be consumer arithmetic and the study of other languages and science is nowhere to be found.

School Finance. An equally severe problem is inadequate funding of schools in low-income areas, predominantly in minority communities. Testimony in a 1993 Alabama school finance suit described Black Belt schools where sewage leaked onto playgrounds, the libraries and classrooms were termite-infested, hallways crawled with

ants, and tables had to be propped up with milk crates. Reliance on local property taxes to fund public schools accounts for most of the school finance inequities within states. One of the bedrock values of the United States is fairness, a commitment to the proposition that all children deserve a level playing field, that they all are entitled to a fair chance as they start out in life. Funding disparities of nearly 3 to 1 call into question the commitment of state and local officials to that basic value.

Inappropriate Admissions Practices

Many minority students, having successfully negotiated the hurdles placed before them in public schools, are denied access to higher education through the misuse of tests and test scores.

It is hardly surprising — given the dead-end curricula into which minority students are tracked — that average scores for black and Hispanic students are frequently lower than average scores for white students. What is not taught is not learned.

Testing has a legitimate role to play in admissions policy, but some states and institutions rely too heavily and too rigidly upon tests. Too often, test scores are used to fulfill institutional needs for prestige rather than as genuine assessments of student potential.

Expert opinion on this issue is unanimous: The combination of multiple admissions criteria — high school grade point average, the rigor of the high school course sequence completed, teacher recommendations, extracurricular activities and community service, and standardized test scores — is a much better predictor of college success than test scores alone.

Access via Community Colleges. Many states — including those which formerly operated dual systems of higher education — have consigned a major part of the responsibility for access on the part of black and Hispanic students to community colleges. Enrollment patterns in the 12 states studied make this abundantly clear.

Community colleges are less expensive, they are more accessible geographically, they offer a variety of programs, and their admissions requirements are generally lower than those of four-year colleges. These and other attributes make them attractive to low-income students, including minorities.

For the most part, however, community colleges have not been able to fulfill their potential to provide genuine access to further higher education. In concept, community colleges appear to be access channels to four-year higher education. All too often, community colleges become an extension of the tracking students have been subject to since entering kindergarten.

Access via Historically Black Colleges and Universities. Historically black institutions are major points of entry for black students in each of the 12 states. Among other things, they continue to provide opportunities for inadequately prepared students who would not otherwise be able to go to college. HBCUs remain central to efforts to ensure access for black students; without them, the limited access to higher education for black students would be drastically reduced. Consequently, it is important for states to ensure that HBCUs have the capacity and capability to provide disadvantaged students whom they accept with an appropriate, high-quality education. HBCUs should also be provided with high-profile, high-demand programs that can attract more other-race students.

Recruitment Strategies. At the same time, equitable access means that flagship and other traditionally white institutions must accept many more minority students. "Creaming" a few minority students does not compensate for insufficient access. Effective recruitment strategies must promote diversity, be tied to the university's regular academic programs, and involve collaboration with other sectors of education.

Insufficient Student Financial Aid

Finally, students who cannot afford to pay for college are much less likely to attend. College costs are going up and the real value of student aid is going down. The "affordability" crisis in American higher education is real, and it must be addressed by institutions and policymakers. Minority families in the South are among the least likely of those in any region to afford the cost of higher education and students from these families must rely heavily on student aid if they are to attend at all.

Opinion polls, even amidst current budget problems of federal and state governments, demonstrate conclusively that the general public is convinced that no deserving student — majority or minority — should be denied the opportunity to attend college simply because

he or she cannot afford it. Adequate financial aid should be available to any student who needs it. The Panel believes that minority scholarships, appropriately designed to remedy past discrimination and encourage diversity, are an important means to desegregate and will result in expanded access.

SUCCESS

No student enters a four-year college or university expecting to drop out or leave without graduating. Each aspires to a degree along with the sense of satisfaction and accomplishment, and the income potential that accompanies it. Students' expectations and hopes are universal; their success is not.

In the South, the gap between where higher education is and where it should be in promoting minority success, can be measured by the failure of states to meet the graduation and graduate school enrollment goals developed by the federal government 17 years ago. None of the 12 states studied by the Panel has come close to attaining these goals. In fact, in each of the 12, the success of minority students, as measured by persistence to the degree and graduate and postgraduate enrollment rates, is static or falling, despite litigation and a decade of school reform efforts. Today minority students' pattern of attainment is almost exactly the opposite of that of white students, who are overrepresented at almost every degree level; in none of the states we looked at does black bachelor's degree attainment approach that of whites.

If state officials and higher education leaders in southern and border states are to succeed in reversing this situation, they must attend to three issues:

Creating a More Hospitable Environment for Minority Students

While many colleges and universities are recognized for their tolerance, the evidence the Panel received of race-baiting on some campuses, faculty indifference to the concerns of minority students, inappropriate curricula, and lack of minority role models and mentors cannot be dismissed.

Institutions need to take the lead and structure situations in which white students and minority students — most raised and educated in racially isolated communities and schools — can come to know and understand

each other. Such a climate is not something that can be created by serendipity or by fragmented efforts. The approach must be systematic and comprehensive and begin in the classroom. Institutions will create a truly supportive learning environment only if they are unequivocal in their embrace of diversity and if they infuse campus policies and practices with that value.

Developing More Appropriate Academic Programs and Support Strategies

It is clear that poorly prepared first-year students need academic and other supports if they are to survive. Many experts believe that opportunities to work in small groups, to take advantage of small classes, and to receive intensive faculty attention and extensive academic assistance, are essential to minority success on campus. The most effective strategies appear to have several things in common. First is an early warning system to alert faculty and counselors to students who are getting into academic difficulty. Second is regular interaction with faculty members. Third is sustained and comprehensive faculty leadership.

The nurturing environment that is a key to success is often present at Hispanic-serving and historically black institutions. On traditionally white campuses student polarization is sometimes related not only to how students are taught but to what they are taught. All institutions should recognize the different cultural identities of those who are part of the university community and ensure that their experiences are reflected in the curriculum.

Recruiting More Minority Faculty and Staff and Providing More Incentives for Graduate and Professional Study

Historic discrimination against minority students has left the nation's colleges and universities with a desperate shortage of minority Ph.D.'s. In the 12 states examined by the Panel, blacks make up between 2 and 3 percent of faculty at leading universities. Hispanics account for just 2 percent of tenured full professors at the University of Texas.

Increasing the numbers of minority faculty and administrators begins with the production of more doctoral candidates. However, even if every institution were

to make a commitment today to equalize minority representation on its faculty and staff tomorrow, given the shortage of minority Ph.D. recipients, the commitment could not be kept.

Data from the National Academy of Sciences indicate that American universities produced only 1,641 black and Hispanic doctorates in 1991, the last year for which such data are available. The assumption that all of these degree recipients hope for an academic career is unrealistic — their education opens opportunities across the economic spectrum.

Some states are beginning to attack the problem through comprehensive partnerships with the private sector. The situation cannot be reversed quickly or easily — but it will never be improved until state and academic leaders make its resolution a priority.

Promoting Success at All Institutions

Black retention and graduation rates are far below those of their white and Hispanic counterparts, both statewide and within the same institutions. The most selective colleges and universities appear to have the highest retention, progression, and graduation rates for both white and minority students, while historically black institutions have retention, progression, and graduation rates for blacks that often lag behind other institutions in the same states.

The need to increase significantly the success rates for minority students confronts all institutions. At predominantly white institutions, part of this challenge can be met by making the campus a more hospitable and welcoming place for minority students and targeting programs to enhance their success. HBCUs serve substantial numbers of underprepared students, and these institutions must develop comprehensive strategies to increase success for these students. States must provide public HBCUs with sufficient resources to meet the extraordinary challenge of serving underprepared students. At the same time, if the states relieve HBCUs from bearing a disproportionate share of the burden of serving as opportunity institutions and provide them with resources to develop and implement high-profile programs to attract highly qualified students of all races, success rates at HBCUs are sure to improve.

What is central to increased success rates at all institutions is a system of accountability that is tied to the

comprehensive approaches discussed in this report. Rewards and sanctions must be established that recognize the obligations of institutions to invest in students' success.

PROMOTING OPPORTUNITY

Education continues to be the most powerful vehicle for achieving the American promise and preserving our common ideals. The nation's schools, colleges, and universities are among the few places where the artificial barriers of race, religion, class, and language can be transcended.

As we approach the twenty-first century, the national imperative to develop the talents of all of our citizens has been reinforced by a constitutional mandate to desegregate higher education. In the past, litigation was often the only way to resolve questions of desegregation and opportunity. We believe that the South, along with the rest of the nation, is open to new ways to resolve abiding issues. The comprehensive solutions that we urge here depend upon leadership and voluntary cooperation among many sectors.

Implementing these solutions will require increased

investment in education. Without sufficient investment, opportunity will be lost and more lives wasted. It is far more prudent to invest now in our future rather than to pay a higher price, at some later date, for our neglect.

The recommendations in this report are strategic elements of a comprehensive approach to desegregating higher education that emphasizes student interests. The approach stresses the importance of accountability for engendering real reform, and it underscores the need for sustained involvement by federal and state governments, the courts, educators, and private citizens in fostering comprehensive change. The recommendations are but a beginning, a new starting point on the continuing quest for equity in education. Realization of equity requires commitment from all those who would embrace a vision of America defined by possibility rather than limited by the past.

The promise of desegregation without a commitment to expanded opportunity is an empty one. In this document, we have detailed what is required to keep the promise of equality of opportunity. That promise cannot be kept until the issues examined in this document have been addressed — not as a matter of expedience, or even of law, but as a matter of fidelity to America's definition of itself. ■

MILES TO GO



"Increasingly the dividing line between those who are moving ahead and those who are moving behind is the educational link. Those who get it have a chance. And those who don't get it don't have a chance."

— Public policy researcher

BEST COPY AVAILABLE

This report is about unkept promises and a historic chance to fulfill them. American education has failed for too long to provide opportunity for too many minority young people. And though the consequences of this failure have cost the nation dearly, nowhere have they exacted as high a price as in the formerly segregated states of the South, where unequal education has resulted in withered hopes and wasted lives. To make real the promise of equal opportunity, we must at last provide equal education for all.

Race is the great fault line running through American life. In the South, Jim Crow legislation ensured that the disabling distinctions imposed on blacks by slavery would continue well into this century. The effects of *de jure* segregation in the South were often equalled by *de facto* segregation elsewhere. Segregation not only separated Americans by color in every facet of their lives — at work, at play, while traveling, and in school — it also perpetuated restricted opportunities for blacks.

Despite the progress resulting from the civil rights revolution of the last generation, large remnants of America's fixation with race are still with us today and continue to disadvantage too many Americans. For these citizens, the American promise is far from fulfilled because, in a land of matchless opportunity, racial bias has limited too many of their aspirations and stunted too many of their dreams. It has done so for far too long.

One-half century after Gunnar Myrdal called race "the American Dilemma," the effects of these unfulfilled promises are to be found in the nation's economy, in its society, and in its schools. They are powerfully present within our colleges and universities where the nation has, in many respects, lost ground. The gap between the

percentages of whites and blacks graduating from colleges has tripled since Myrdal's studies — from 4 percentage points in 1940 to 12 percentage points in 1992. Although by 1972 — 30 years after Myrdal — efforts to bring about educational equity had narrowed the gap between white and black high school graduates enrolling in college to 5 percentage points, today it has widened to 8 percentage points.

Questions of minority access to and success in higher education are most prominent in those states that at one time operated two systems of higher education: one for whites, the other for blacks. Without doubt, there has been significant progress in desegregating higher education. Just a generation ago, in 1962, federal marshals and troops were required to enroll James Meredith at the University of Mississippi. The following year, Governor George Wallace stood in the doorway of the University of Alabama declaring "segregation now, segregation tomorrow, segregation forever." At that time, with the exception of institutions established exclusively for black students, it is safe to say that almost every student enrolled in a major public college or university in the South was white. Today, by at least some minimal standard, access to higher education is available to every student in every one of the United States — even among the 19 that previously operated dual systems of higher education. In every state, anyone with a high school diploma or its equivalent, regardless of race, can attend a public two-year or four-year institution.

UNFULFILLED PROMISES

However, both an exhaustive data collection effort in 12 of the previously segregated states and the consensus of the scores of witnesses who appeared before us leave no room for doubt: 40 years after *Brown* called segregation "inherently unequal," and more than two decades after the U.S. Department of Health, Education, and Welfare insisted that southern and border states dismantle their dual systems of higher education, not one of these 12 states can demonstrate an acceptable level of success in desegregating its higher education systems.

Our research reveals systems in which opportunity for minorities is restricted, limited, fragmented, and uneven. This is so because, over the years, many promises to minority students have not been kept. Among these are: equal access to institutions of higher education

regardless of race; a reasonable chance of success once admitted; full participation in these institutions as faculty; and a nurturing learning environment. The consequences of these unkept promises resonate throughout all of higher education. We have a long way to go before we can say we have fulfilled them.

Equal Access

- Enrollment data indicate that black college students have limited access to predominantly white four-year institutions; in all but two of the 12 states studied in this report, more than three of every five black first-time freshmen attended either a historically black college (HBCU) or a community college. In all but four of these states, less than 10 percent of black first-time freshmen were enrolled in the state's flagship institution.⁴
- Conversely, only five of the 28 historically black institutions surveyed in the 12 states report 10 percent or more of the first-year class as white.⁵
- In four-year institutions in Florida and Texas, the two states in the Panel's survey with significant Hispanic populations, Hispanic students are severely underrepresented. In Florida, although 15 percent of the state's 17- to 21-year-old population is Hispanic, Hispanics make up only 11 percent of first-year, full-time students in four-year institutions. In Texas, the figures are 32 percent and 19 percent, respectively.⁶

A Reasonable Chance of Success

- Blacks and Hispanics are underrepresented among bachelor's degree recipients in every state and in every field of study, with the following exceptions: In Louisiana, the proportion of bachelor's degrees awarded to blacks in engineering and physical sciences exceeds their share of the state's population, and in Florida, the percentage of bachelor's degrees conferred to Hispanics in foreign language surpasses their representation in the state's population.⁷
- The proportion of blacks decreases at each key point in the educational pipeline. In these 12 states, although blacks account for an average of 25 percent of the college-age population, they represent only 16 percent of full-time freshmen and only 10

percent of bachelor's degree recipients. Conversely, white representation increases at each level of education; whites represent 70 percent of the college-age population, 77 percent of freshmen, and 81 percent of bachelor's degree recipients.⁸

- The proportion of white adults who hold bachelor's degrees in all 12 states is about twice as high as the proportion of black adults who are college graduates. On average in these states, 20 percent of whites above age 25 have earned a bachelor's degree, compared with only 10 percent of blacks.⁹
- College completion rates for blacks are the lowest of any racial/ethnic group. One of every three black freshmen who enrolled in degree programs full-time in 1985-86 had graduated six years later; comparable rates were 54 percent of all students, 56 percent of white students, and 41 percent of Hispanic students.¹⁰

Just how much remains to be done can be measured by the following: To achieve equal representation of blacks among bachelor's degree recipients, each of the 12 states we studied would have to more than double the number of its black bachelor's degree recipients, while holding overall degree production constant. For Hispanic students, the challenge is equally severe: In Texas, bachelor's degree production for Hispanics would have to triple to equal the Hispanic proportion of the state's population—in Florida, a 60 percent increase in Hispanic graduates would be required.¹¹

"If minority students graduate from high school and take some community college course training, there are 1.2 million new health technology jobs waiting. And if minority students go to college and graduate, 3.5 million new professional jobs — as doctors, lawyers, accountants — will be waiting. And we know minorities are now underrepresented in this job category."

***— Administrator,
comprehensive university***

Full Participation in University Faculties

- The shortage of minority faculty, black and Hispanic, is acute at every institution in every state. Across the board, the higher the faculty rank, the lower the representation of blacks and Hispanics.¹²
- The states we studied account for 47 percent of all doctorates awarded to blacks in the U.S. in 1991, yet blacks earned fewer than 4 percent of all doctorates awarded in these states, although they account for 20 percent of the population.¹³

A Climate That Encourages Learning

Too frequently, minority students report that they do not feel welcome at majority institutions and that the environments there negatively affect what and how they learn.

- In a national survey, more than half of black student respondents (53 percent) felt excluded from school activities because of their race/ethnicity, as did 16 percent of Hispanic students; in contrast only 6 percent of white students felt this sense of exclusion.¹⁴
- Almost one-third (32 percent) of black students reported being insulted or threatened by another student because of their racial/ethnic background, as compared to 10 percent of Hispanic students, and 9 percent of white students.¹⁵
- More than one-half (51 percent) of black students had heard faculty make inappropriate remarks about minority students; nearly one-fifth (19 percent) of white students and 13 percent of Hispanic students also heard similar remarks.¹⁶

Amidst all the data, one conclusion stands out: race is hopelessly entangled in higher education in the South, as it is in much of the rest of the nation.

Much has changed in the South since *Brown v. Board of Education*. The duty to desegregate elementary and secondary education, as reluctantly as it was accepted, began, in many ways, to liberate the region from its past. Once castigated for policies of enforced separation, the South is now often praised for progress in racial cooperation. As a result, it is a changed place — one that has attracted new investment and where expanding urban centers have become magnets for talented people from across the country.

In the 1980s, the South assumed a leadership role in

promoting public school reform. A similar opportunity now presents itself with regard to higher education. The problems of minority access and success in higher education are by no means limited to the South. But the South's unique history gives it a special and fleeting chance to pioneer in finding effective and lasting solutions to these problems and to put its past, finally, behind it.

WHAT IS AT STAKE

The future of the nation and the future of minority children and youth are one. Yet as we prepare to enter the twenty-first century, that future is threatened by the education divide that separates minority youth from their majority peers. If majority and minority are to claim a common future, the effort to build that future must become their common task.

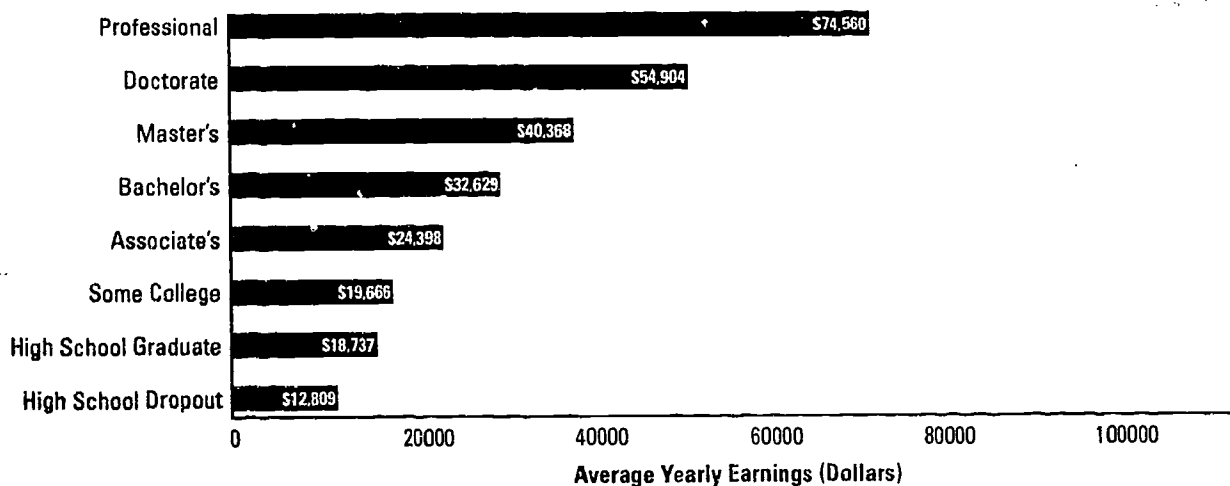
It is in our schools, colleges, and universities that this future will largely be determined. The emerging global economy is driven by powerful new technologies with an insatiable demand for skills not required even a generation ago. At the same time, the current work force is aging, the number of retirees is increasing, and the number of young black and Hispanic workers is growing. The nation's ability to compete in a global economy depends to a large extent on ensuring that the new work force has the skills and training to succeed.

We are convinced that the future of the nation, like that of the South, will be shaped by our success in developing and utilizing the talents of an increasingly diverse population. The emerging business environment consists of multiracial work forces competing in domestic and foreign markets that are similarly heterogeneous. Our educational institutions must prepare students for this environment and, in so doing, strengthen both the fabric of our society and our connections to each other.

Yet, despite all of the investment in education reform and the reams of reports issued in the last decade calling for the improvement of American schools so that the nation could remain economically competitive, insufficient attention has been paid to the proposition that racial justice and the dismantling of segregated systems and classrooms are fundamental to effective education. Indeed, desegregation seems to have become an embarrassing word in today's public discourse, rarely brought up in polite company.

But schools that only produce good workers may not be good enough to prepare us for a world that is

FIGURE 1
Average Yearly Earnings for Persons 18 and Older by Level of Education, 1992



Source: U.S. Bureau of the Census, *More Education Means Higher Career Earnings* (Washington, D.C., November, 1994).

increasingly complex and diverse. And they are certainly not good enough for a nation that is dedicated to justice and fairness and which believes that every individual has the right to fulfill his or her potential. In short, issues of equal opportunity, fairness, and justice are of equal consequence to the United States as the skill levels of its graduates.

In education, as in life, we reap what we sow. Individuals reap enormous financial rewards from the effort they put into obtaining a college education. In the United States, a college degree is a ticket to a better life. Colleges and universities open the doors to higher standards of living for millions of Americans. Average annual incomes for those with a community college degree are 30 percent higher than average incomes for high school graduates (see Figure 1); those with four-year degrees earn a 75 percent premium for their education; and Ph.D. holders, on average, earn three times as much as the typical high school graduates.

These benefits apply to minority Americans as well as to white Americans. Since 1960, colleges and universities have helped triple the size of the black middle class.¹ Like their white counterparts, blacks experience increasing earning power with higher levels of education (see Figure 2 at right).

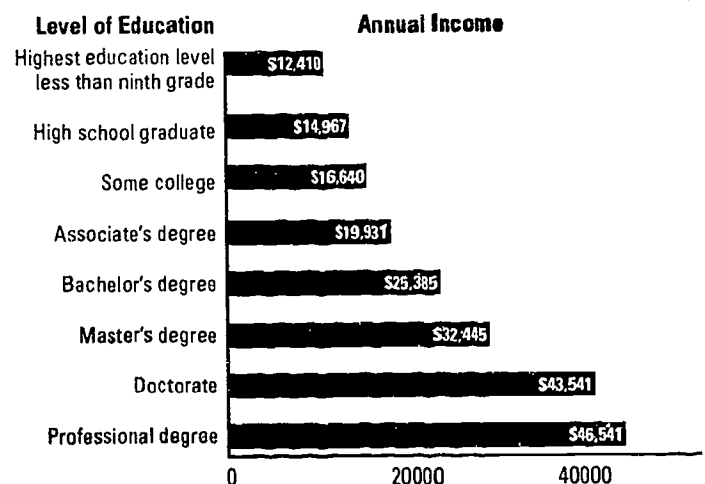
The stakes in providing equal opportunity in higher education are high, and the consequences of failure profound for individuals, the economy, and society. We can no longer afford to condition opportunity on race.

A HISTORIC CHANCE

Desegregation remains a powerful way for the nation to embrace one of its bedrock values — equality of opportunity. Democracy is strengthened when students of different races are educated together in institutions that are dedicated to the development of the full social and intellectual capacities of each of them.

A new chance to transform higher education through desegregation was provided by the United States

FIGURE 2
Average Annual Income of Blacks by Level of 1989 Education



Source: U.S. Bureau of the Census, *Education in the United States, 1994* (1994)

Supreme Court in its June 1992 decision in a Mississippi case now known as *United States v. Fordice*. (In Chapter 2, we explore in detail the legal history and ramifications of that decision). *Fordice* for the first time emphasized sound educational practices, focusing on the interests of students as the means by which to effect desegregation. For decades, courts, educators, and political leaders have struggled to build a desegregated system. Too often, though, their efforts focused less on the interests of students than they did on the concerns of institutions. If government and education leaders seize the initiative that the Court has provided, we can change public higher education in the South so that it focuses on opportunity for students and no longer disadvantages individuals and institutions on the basis of race.

WHAT WE BELIEVE

For 18 months, we looked at higher education in the South, developed and reviewed data, analyzed relevant legal opinions, and considered the role that race plays in

"I think that one of the underlying problems with education lies in the presumption that education is an expense and not an investment."

— *Minority student at a comprehensive university*

education. At hearings, we listened as witnesses told us of their expectations and recounted their experiences. We drew on what we read and heard to discuss and debate issues among ourselves. In urging new and comprehensive approaches to desegregation as a way to fundamental reform in higher education that will benefit all students, we relied not only on what we learned, but on core beliefs that we have come to share during the course of our exploration and which form the foundation of our recommendations. We believe that:

- Higher education is central to opportunity. A college degree is essential for most people to succeed in a rapidly changing, more complex world. Yet for too many minority students, race remains a barrier to full participation in higher education, both in the South and in the nation.

- Effective desegregation requires comprehensive reform. All sectors — from pre-kindergarten through graduate school — must collaborate to implement strategies that will lead to better results for students.
- The recent Supreme Court decision in *U.S. v. Fordice* provides powerful new possibilities for basic change in higher education. It enables us to focus on students and to link desegregation to student achievement. This comprehensive, student-centered approach emphasizes results and requires accountability.
- Achieving a truly desegregated system — one that promotes choice and offers opportunity — requires the vision, commitment, and will of government, courts, educators, and private citizens, including students and their families. Opportunity cannot be defined and driven by the law alone. Courts can set the stage for opportunity, but it is the responsibility of all sectors of society to see that it is attained.

KEEPING OUR PROMISES

Above all, we believe that what is at stake here is America's idea of itself — inextricably bound up with the promises it has made to its citizens. The United States is a nation built on pledges to its people: All are equal before the law, all are entitled to their liberty, to their rights as citizens, and to the fruits of their toil, and *all citizens* — regardless of race, background, or economic status — may rise as far as their talent, effort, ambition, and hard work will carry them. These promises retain a compelling hold on the imagination of people everywhere. Education continues to be the most powerful vehicle for achieving America's potential and for preserving and advancing our shared ideals.

Minorities have come very late to the American promise of freedom and opportunity. They find it still eludes them. Legislation has not secured it; court decisions have not guaranteed it; goodwill has not provided it; perseverance has not yet wrested it from the hands of those reluctant to live out its true meaning.

The transforming challenge facing the United States today is to seize the opportunity, finally, to keep the promises it has made to all its citizens and to put behind it the shame, anger, and pain of the nation's racial histo-

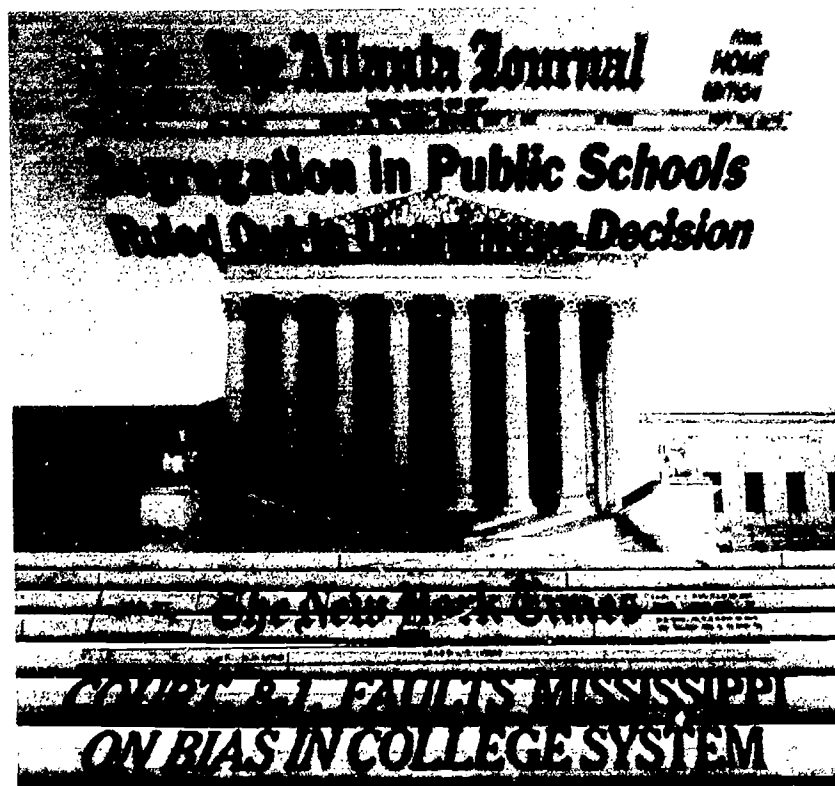
ry. The best place to make those promises real is in our schools and colleges.

We have promises to keep, the poet reminds us. Another poet, Maya Angelou, adds new wisdom to Frost's insight — and offers new hope to those from whom the American promise has been withheld:

*[Y]our passages have been paid ...
History, despite its wrenching pain,
Cannot be unlived, but if faced
With courage, need not be lived again.¹⁸*

The nation has promises to keep. Although miles stretch out ahead before rest is earned, the passage has been paid and the nation's people must go forward together and redeem the American promise of opportunity for all. ■

THE LEGAL CONTEXT



"Originally, I was to attend a historically black university, but my parents asked me to press toward a white college just in case something went wrong. And I think mainly they pressed for a white college because they grew up in the era where white was right and white was better."

— *Minority student at a comprehensive university*

In this chapter, we discuss how the law provides a starting point for developing higher education systems that are committed to both excellence and equity. For centuries, education for blacks was prohibited or severely limited by laws mandating segregation. In 1954, the Supreme Court's landmark decision, *Brown v. Board of Education of Topeka*,¹ declared that in public education, racial separation is inherently unequal.

Fourteen years later, the Supreme Court ruled that plans encouraging choice of schools by pupils and their families were not enough to eliminate segregation in elementary and secondary schools. Despite these decisions, states for decades resisted desegregating their systems of higher education. They maintained that race-neutral admissions policies alone were all the law required to desegregate postsecondary institutions. Little progress was made in desegregating public universities even after the federal government established clear criteria for doing so in 1978.

In 1992, however, the Supreme Court, for the first time, required state governments and educators to address the legacy of segregation and persistent racial inequity in higher education. In *U.S. v. Fordice*, the Court said that "if policies traceable to the *de jure* system are still in force and have discriminatory effects, those policies ... must be reformed to the extent practicable and consistent with sound educational practices." The Supreme Court's standard made clear, beyond doubt, that the adoption of race-neutral policies was not necessarily a sufficient remedy for racial segregation in higher education and that courts must examine a "wide range of factors to determine whether [a] state has perpetuated its formerly *de jure* segregation in any facet of its institutional system."

Since 1992, several lower courts — in Mississippi, Louisiana, and Alabama — have attempted to identify the remaining vestiges of segregation and develop appropriate remedies for them. These efforts, while encouraging in some respects, may not be sufficient to provide the educational opportunities for minority students that

effective desegregation requires. It will remain the responsibility of government and educational leaders to conclude what the courts can only begin.

While, for over 40 years, the law has given impetus to efforts to achieve educational equity, judicial determinations are but a beginning. This is especially true of *Fordice*, where the Supreme Court set forth general principles about higher education desegregation. These principles make it possible for state and education leaders to engage in comprehensive efforts to implement a powerful new vision of educational opportunity that can result in education — from pre-kindergarten through graduate school — that will promote success for all students. This vision will be driven neither by theory nor by good intentions, but by results: Students will have genuine access to higher education, authentic choice of institutions, and equal chances to receive a high-quality education.

BACKGROUND

Intentional Discrimination Against Black Students

In the first half of the nineteenth century, laws in many states prohibited the education of blacks under any circumstances. Nineteen states eventually established segregated black colleges and universities — not as sources of strength for the black community, but to keep black students out of white institutions and to limit their entry to all but the most menial occupations. Policymakers consciously sought to ensure that the education received in white institutions was markedly superior to that offered in the black schools.⁴ For example, the states, among other things, argued for larger federal appropriations for higher education based on population counts that included blacks — while simultaneously shortchanging black institutions and black students in the allocation of funds.

The pattern of inequality and discrimination continued into the twentieth century. States found numerous ways to keep graduate and professional education beyond the reach of blacks. Some provided stipends to encourage black students to study out of state. Until 1938, Missouri sent black law school applicants to neighboring states rather than admit them to its own law school. In Oklahoma in 1950, a black graduate student was required to sit at a designated desk in an ante-room that adjoined the class he wished to attend, to use

a specified desk in the library, and to eat meals separately from white students in the school cafeteria. When these practices were challenged, the Supreme Court accepted the "separate but equal" doctrine as the law, but rejected these practices as unequal. The Court also concluded in 1950 that Texas's overnight creation of a markedly inferior black law school (in order to justify blacks' exclusion from the University of Texas) was insufficient because the new law school would "lack the intangible qualities of the University of Texas."⁵

The Positive Role of Historically Black Colleges and Universities

For blacks in the South, separation was strictly enforced and there was never a pretense of equality. As a result, historically black colleges and universities took primary responsibility for educating black students. Considering the burden placed on these institutions, their success has been remarkable. For many blacks, historically black colleges and universities — public and private — opened the doorway to the American dream. Until the mid-1950s, they provided virtually all bachelor's degrees received by black students in the South.⁶

From their beginnings, public black colleges were forced to follow state-prescribed curricula that stressed agricultural and "industrial education," which equipped students for little more than work as farmhands or in low-paid factory jobs. Because adequate public schooling was not available to their students, public HBCUs, like their private counterparts, often were obliged to devote much of their available resources to college preparatory work — a necessity that, given the inadequate preparation of too many minority students, continues in some measure to the present. Despite these state-imposed restrictions, historically black colleges evolved into college-level institutions, many offering some graduate-level degrees. Transcending the inferior status assigned to them by policymakers, HBCUs created and sustained a meaningful and enduring tradition of developing the talents of their students and producing graduates who made significant contributions to society.

HBCUs provide nurturing, supportive, and generally less-expensive education to their students. To the communities they serve, these institutions are sources of leadership and employment. To the faculty on their campuses, HBCUs continue to offer the best opportunities many of them will have to create a vision for minority young people and to shape how that vision will

be realized. The contributions of these institutions are unique and enduring.

Because they were virtually unassisted and frequently unrecognized, however, even the best efforts of black colleges and universities could not fully compensate for the harm inflicted on black students by official policy. As we discuss later, the vestiges of these policies remain and continue to limit black students' access to, and success in, higher education.

THE STRUGGLE TO DESEGREGATE

Elementary and Secondary Education

In 1954, the Supreme Court declared racial segregation in public elementary and secondary schools unconstitutional in *Brown v. Board of Education*.⁶ Even before *Brown*, the Supreme Court had decided a series of cases in which it found that restricted opportunities for blacks in *public higher education* violated the then-existing Fourteenth Amendment standard of "separate but equal." While it did not rule on the propriety of racial segregation in higher education in these cases, the Court found constitutional violations by the states because the educational opportunities available to black students were *in fact* unequal to those available to white students. In *Brown*, the Court went beyond these early decisions involving graduate and professional schools, and, in a case involving elementary and secondary education, found that racially separate public schools were *inherently* unequal — state-mandated racial separation itself was constitutionally impermissible, regardless of the circumstances under which it took place. The Court mentioned *Brown* in later higher education rulings, but did not fully discuss its implications at the postsecondary level for nearly 40 years.

For more than a decade after 1954, lower courts struggled with what it meant to remedy racial segregation in elementary and secondary education. Immediately

"To sit in front of professors who are African-Americans just makes me more determined because they paved the way to progress and change for me."

— Minority student at a comprehensive university

after *Brown*, some lower courts believed that "desegregation," even at the elementary and secondary level, meant merely the adoption of race-neutral policies. According to this view, the Constitution did not require integration or improved educational opportunities for black students; it merely prohibited the state from using its powers to require segregation.

In 1968, however, the Supreme Court concluded that the mere adoption of race-neutral policies was not necessarily a sufficient remedy for segregation at the *elementary and secondary school level*. Unequal facilities, the assignment of faculty and staff by racial criteria, unequal educational and extracurricular programs, and myriad other factors served to reinforce the notion that some schools were "black" and others "white," even after their formal designation as such was removed. The Court called for an end to racially identifiable schools ("black schools" and "white schools") and the creation of schools that were "just schools." Recent Supreme Court decisions in the elementary and secondary education context reaffirm that desegregation means not merely the adoption of race-neutral policies, but the elimination of all "vestiges" of *de jure* segregation to the extent practicable.⁵

Higher Education

Meanwhile, what the law required to desegregate higher education was less clear. From 1954 to 1992, the Supreme Court heard numerous elementary and secondary desegregation cases, but no major higher education desegregation cases. States continued to argue that the kinds of freedom-of-choice plans found to be insufficient at the elementary and secondary level were all that was required in the higher education context. "College students are adults," the argument went, "and postsecondary education is voluntary. Therefore, nondiscriminatory admission policies are all that should be required." This reasoning helped state and academic leaders ignore, for decades, the fact that unequal facilities, unequal educational programs, segregated faculties, and other vestiges of legally segregated systems continued to contribute to the identification of many public institutions as "white" and "black." Until recently, this argument was widespread, but it was never well founded, as the federal government tried to make clear in the 1970s.

The Adams Litigation. Title VI of the 1964 Civil Rights Act prohibited the use of federal funds by insti-

tutions, including colleges and universities, that discriminated on the basis of race. Although the U.S. Department of Health, Education, and Welfare (HEW) in 1969 informed 10 southern and border states that they were still operating segregated higher education systems in violation of Title VI, the agency initially did little to bring these states into compliance or to terminate federal assistance to their institutions, as it was empowered to do.

The following year, however, the NAACP Legal Defense and Educational Fund prevailed in a suit against HEW to compel it to enforce compliance with Title VI where voluntary efforts had failed.⁶ On appeal, the District of Columbia Circuit emphasized that the problem of desegregating higher education must be dealt with "on a statewide rather than school-by-school basis." Consequently, HEW's Office for Civil Rights (later made part of the U.S. Department of Education) developed a final set of criteria for statewide desegregation in higher education.⁷ The criteria included required commitments, goals, steps, and timetables to:

- disestablish the structure of the dual system by defining the mission of each institution on a basis other than race;
- strengthen the role of traditionally black institutions by enhancing the quality and range of their program offerings and eliminating educationally unnecessary program duplication among traditionally white and black institutions in the same service area;
- reduce racial disparities in college-going rates, retention, and graduation rates;
- expand mobility between two- and four-year institutions;
- increase other-race enrollments at traditionally white and traditionally black institutions;
- equalize the proportion of black and white state residents who graduate from public undergraduate institutions and enroll in graduate or professional schools in the state system; and
- increase the representation of minority persons who are members of faculties and staffs of institutions as well as of governing boards, agencies, and their staffs.

The *Adams* criteria provided a working definition of desegregation, one that promised at last to provide minorities with higher education opportunities that historically had been systematically denied to them. The states were to develop and implement plans to comply with the criteria. In the mid-1980s, however, the federal government de-emphasized the enforcement of *Adams* plans and the collection of relevant data to monitor states' progress in implementing these plans.

Data on what the states accomplished under *Adams* are not uniformly available, but, on the whole, though the numbers of black students attending college increased significantly, their proportion did not. Increases in the number of black students at flagship universities were small, as was the number of whites enrolled in undergraduate programs at historically black colleges. And although a few HBCUs did benefit from an infusion of new funds or from new programs, in the end, the overall situation was not appreciably altered. The promise of opportunity that *Adams* held out has not yet been fulfilled.

The Ayers Case. Even after *Adams* and into the 1990s, many states continued to argue that nondiscriminatory admissions policies were all that *Brown* required of higher education. One of these states was Mississippi. In 1975, a group of black citizens led by Jake Ayers sued Mississippi in federal court to demand a more equitable system of higher education, requesting, among other things, enhanced funding for the state's three historically black colleges. For 12 years, the parties attempted to resolve this issue by encouraging the state to dismantle voluntarily its racially segregated system. In 1981, the state Board of Trustees adopted mission statements that identified in nonracial terms the asserted purpose of each of the state's eight institutions. Subsequently, although the institutions' admissions procedures no longer explicitly excluded students on racial grounds, the student bodies at the white universities remained predominantly white and those at the traditionally black institutions continued to be overwhelmingly black.

The case finally went to trial in 1987. Although the court made extensive factual findings concerning issues like the discriminatory admissions requirements at each institution, "mission statements," program duplication, and funding, it concluded that a state's legal duty to desegregate does not extend to most of these areas, only to ensuring that its policies are racially neutral, are developed and implemented in good faith, and do not sub-

stantially contribute to the racial "identifiability" of individual schools.¹³

The district court concluded that under this standard, Mississippi officials were not violating federal law.¹³ The United States Court of Appeals for the Fifth Circuit affirmed the lower court's decision.¹⁴

UNITED STATES V. FORDICE

The Supreme Court agreed to review the rulings by the lower courts in *Ayers*.¹⁵ The federal government had joined the plaintiffs and the case became known as *U.S. v. Fordice*. In its first major higher education desegregation decision since *Brown*, the Court concluded that the lower courts had failed to apply the correct legal standard to Mississippi's public university system.¹⁶ According to standards announced by the Court, "[i]f policies traceable to the *de jure* system are still in force and have discriminatory effects, those policies too must be reformed to the extent practicable and consistent with sound educational practices."¹⁶ The Court reasoned that "even after a State dismantles its segregative admissions policy, there may still be state action that is traceable to the State's prior *de jure* segregation and that continues to foster segregation."¹⁷

The Court then applied this analysis to the district court's factual findings about Mississippi's system of higher education. The Court found that, in several areas, Mississippi unconstitutionally perpetuated policies or practices that are traceable to its intentionally segregated system and that currently have discriminatory effects.¹⁸ These policies or practices substantially restrict a person's choice of institution and contribute to the racial identifiability of Mississippi's institutions. The Court did not attempt to list all such policies, but discussed four that were suspect: admissions standards, program duplication, institutional mission assignments, and the continued operation of eight separate public universities.

The Court's analysis of these policies offers some guidance to lower courts, educational policymakers, and advocates for educational equity on how to determine if a policy is traceable to the state's prior intentionally segregated system, has segregative effects, and is susceptible to a practicable remedy consistent with sound educational practices.¹⁹ The Court found, for example, that Mississippi's maintenance of eight separate institutions had segregative effects and originated in "separate but equal," and wondered whether, in light of budget limitations, a sound educational justification for a state sys-

tem of eight separate institutions remained. It suggested that Mississippi consider the educational soundness of closing or merging existing institutions.²⁰

Thus, the *Fordice* decision brought to the surface a major concern of many throughout the country and a longstanding paradox of the desegregation movement in higher education: the possibility that historically black colleges and universities — the very institutions that have provided opportunity for blacks — might be sacrificed in the name of desegregation. In this context, the parallel with public schools is instructive. In elementary and secondary education, federal courts have long emphasized that the burden of remedying segregation should not be placed disproportionately on the minority students who are its victims. If we apply the same principle to higher education, closing traditionally black institutions, where it would disproportionately burden minority students, is not an appropriate remedy.

Fordice laid to rest several important questions. In *Fordice*, the Court:

- directed public attention back to the persistence of racial inequity in public higher education and the unresolved challenges presented by the legacy of segregation;
- confirmed that its decision in *Brown* applies to public higher education;
- rejected the argument that the adoption of race-neutral policies was necessarily a sufficient remedy in states that had mandated racial segregation in higher education; the correct standard, it said, is whether or not any “policies traceable to the *de jure* system are still in force and have discriminatory effect ...;”
- indicated that lower courts should defer, to some degree, to educators about how such policies should be remedied by saying that they should be remedied “to the extent practicable and consistent with sound educational practices;”
- recognized that an examination must be made of a “wide range of factors to determine whether [a] [s]tate has perpetuated its formerly *de jure* segregation in any facet of its institutional system,”²¹ reaffirming that vestiges of segregation must be eliminated systemwide in higher education;²² and
- placed on formerly segregated systems an affirmative duty to remedy such vestiges and, if challenged, to bear the burden of proving that the Court’s standards have been met.²³

DESEGREGATING HIGHER EDUCATION SYSTEMS AFTER *FORDICE*

The Court also raised several new questions in two major areas. Its general discussion of the four Mississippi policies that clearly were “constitutionally suspect” left the lower courts to develop working definitions of “traceability,” “practicability,” and “sound educational practices.” Without such definitions, important questions remain about (1) what precisely must be shown to establish continuing legal liability and (2) what appropriate remedies should look like.

Although the lower courts have not yet fully addressed these issues, additional guidance is provided by further analysis of the Supreme Court’s opinion in *Fordice*, the recent district court decision in *Ayers v. Fordice* in Mississippi, and two decisions by lower courts in other cases, involving Alabama and Louisiana.²⁴ In *Ayers*, the district court, in a lengthy hearing, considered higher education desegregation in Mississippi after the Supreme Court’s decision in *U.S. v. Fordice*. In *Knight v. Louisiana*, a federal appellate court last year remanded several issues concerning Alabama’s system of higher education to the trial court for reconsideration in light of the principles enunciated in *Fordice*. In *United States v. Louisiana*, a federal district court recently approved a settlement in the long-running lawsuit by the United States against Louisiana and its institutions of higher education. In all three cases, the courts recognized some continuing duty to desegregate, and in the Louisiana and Mississippi cases, the trial courts also sought to impose appropriate remedial measures.

Continuing Duty to Desegregate

If a university system engages in practices or policies traceable to past segregation that have present discriminatory effects, a continuing duty to desegregate exists. The Supreme Court in *Fordice* examined several such conditions. There are, furthermore, a wide range of policies and practices not explicitly mentioned in *Fordice* which may also be “traceable” to a dual system and which may “continue to have segregative effects” — whether by influencing student enrollment decisions or by fostering segregation in other facets of the university system.²⁵

Climate, Funding, and Curriculum

Some systems may have practices or policies traceable to past segregation that create a climate so hostile to minority students that it deters their enrollment in particular institutions. Such practices could be legally problematic under *Fordice*. In *Knight v. Alabama*,²⁶ a federal appeals court acknowledged that a campus climate hostile to minority students could be a vestige of segregation.

The Court of Appeals in *Knight* also identified two other areas in which such vestiges may exist. These are now being reexamined by the federal trial court. First, the court noted that the disparate *allocation of funds* between historically white and black institutions in Alabama — specifically federal land-grant monies — could be a vestige of segregation with current discriminatory effects. Similar land-grant funding issues were left unresolved by the Louisiana settlement. Funding inequity was also one of the practices challenged by the plaintiffs in *Fordice*, and the Supreme Court suggested that the district court should address whether inequitable funding for traditionally black institutions was a vestige of the segregated system in Mississippi.²⁷

Second, in *Knight*, the Court of Appeals indicated that the *curriculum* at historically white institutions might also constitute a discriminatory policy or practice traceable to the intentionally segregated system. If the curriculum, in part as a result of segregation, so underemphasized the contributions of blacks as to cause a discriminatory effect, it could be illegal under *Fordice*. The court's analysis of this possibility indicates the breadth of the analysis of vestiges called for by *Fordice*.

Other Issues

In *Fordice*, the Court explicitly acknowledged that other policies challenged by the plaintiffs could also be subject to the same analysis: unequal facilities, inequity or discrimination with respect to faculty and staff, and possibly segregative governance structures.²⁸ Practices and policies in still other areas may also be vestiges. In some systems, certain educational deficiencies that exist may themselves be vestiges of segregation. The Supreme Court has previously recognized the existence of such vestiges at the elementary and secondary level.²⁹ While the majority opinion in *Fordice* does not mention these in referring to "lost educational and career opportunities," Justice O'Connor's concurring opinion does. The lower court decisions since *Fordice* have not identified

disparities in student success or the complex conditions that result in these disparities as vestiges.

Some states also may have policies and practices in their elementary and secondary systems that adversely affect the overall college-entrance rate for minority students. For example, in *Ayers*, the plaintiffs raised the concern that Mississippi's core curriculum, which is essential for college admission, was not being offered in all school districts.³⁰ Such practices, which touch on adequate preparation for college, may also constitute vestiges of segregation — though perhaps ones for which elementary and secondary education and higher education authorities share responsibility. Again, the lower courts since *Fordice* have not grappled with the ways in which a state's history of segregation in K-12 education may continue to foster segregation in higher education.

"There's really no unity between blacks and whites. If you visit our student center, you will see blacks sitting in one section and you'll see whites sitting in another section. So you can't really say it's desegregation because, really, it's segregation."

— Minority student at a comprehensive university

Appropriate Remedial Measures

While the Supreme Court discussed in some detail the analysis to be used in determining whether a state retains a legal duty to desegregate, it did not directly address the question of what remedial measures would be appropriate to address remaining vestiges of segregation. The Court's analysis does, however, suggest two possible approaches. A state system may seek to eliminate directly the offending policies and practices, or it may seek, through other means, to alleviate their effects. As Justice O'Connor phrased it in her concurring opinion, "[o]nly by eliminating a remnant that unnecessarily continues to foster segregation, or by negating insofar as possible its segregative impact, can the State satisfy its constitutional obligation."³¹ Under either approach, the Court made

clear that appropriate remedies should consider the practicalities of each situation and possible independent educational justifications for measures with segregative effects.⁴⁷

In practice, directly eliminating the offending condition, on the one hand, or negating its effects, on the other, may imply very different remedies. For example, undue reliance upon a standardized test for admission decisions — such as the ACT in *Fordice* — may be an impermissible practice. If so, the obvious remedy would be the elimination or modification of that policy. However, in certain circumstances, a state might be able to retain the policy if it could eliminate its segregative effects. A state could, for example, undertake to increase the test scores of its black secondary students rather than change its university admissions criteria. Given the probable expense of such measures, however, a court might be more likely to order a state simply to alter its admissions policies. Indeed, the two remedies recently approved by district courts in Mississippi and Louisiana focus almost exclusively on eliminating policies and practices rather than curing their adverse effects — reduced access and limited success in higher education for minority students.

Court mandates eliminating particular policies are a start, but they are not an adequate substitute for comprehensive systemwide reform. Thus, it seems unlikely that such remedies alone will be sufficient to enhance significantly educational opportunities for minority students. Indeed, the Court of Appeals ruling in the Alabama case indicates that remedial measures need not necessarily be effective to be legally acceptable.

Knight v. Alabama. The Court of Appeals' *Knight* decision offers some general guidance about appropriate remedies under *Fordice*. This guidance focuses more on the need to eliminate discriminatory policies than to ensure equal opportunity. First, the Eleventh Circuit held that the fact that a particular policy is educationally sound and has a legitimate nonracial justification does *not* necessarily insulate it from challenge. If such a policy is traceable to prior segregation and continues to have a present discriminatory effect, then it must be reformed — if a practicable and educationally sound remedy is available. On the other hand, according to the Court of Appeals, if a system of higher education has adopted a practicable and educationally sound remedy for a condition related to past segregation, it may not have to do

more, even if the initial remedy proves ineffective. This analysis leaves the responsibility to connect desegregation to opportunity to educational leaders rather than to the courts.

The Ayers Remedy. The two actual remedies ordered since *Fordice* also suggest that the courts may not require the type of comprehensive reform that will establish equitable systems. The district court in Mississippi indicated that desegregation should be student-centered, but its order may not go far enough in providing specific remedies that will substantially increase actual opportunities for minority students.

For example, while it provides scholarships for white students to attend HBCUs, the remedy fails to provide similar scholarships to help minority students overcome the barriers to access to traditionally white institutions.⁴⁸ Furthermore, the Court approved systemwide admissions policies that, in all likelihood, will reduce black student access to public four-year colleges. Although the court approved a summer program to ease minority students' transition to college, such a program will not substitute for a comprehensive educational remedy that will systematically address the poor preparation that many black Mississippians get in elementary and secondary education.

Nevertheless, the *Ayers* decision is an example of some initial steps that may lead toward real desegregation — equal access to higher education and equal opportunity for success. In addition to those discussed above, some of the specific aspects of the court's order are that it:

- recognized that both HBCUs and traditionally white institutions (TWIs) are vestiges of segregation;
- rejected the state's proposal to close two public colleges;
- ordered the enhancement of two HBCUs to promote desegregation by mandating approximately \$30 million in improvements to two historically black institutions, Jackson State and Alcorn State,
- requiring the state to create new doctoral programs and to consider a variety of professional programs at Jackson State University and

- requiring the state to establish an MBA program at Alcorn State University;
- ordered the state to study ways to further the desegregation of predominantly white Delta State and historically black Mississippi Valley State;
- ordered the state to study the systemwide coordination of its community colleges in the areas of admissions standards and articulation procedures; and
- established a monitoring committee to monitor implementation of the remedy.

Despite the concerns noted above, these individual measures are especially significant given the fact that, before the Supreme Court's decision in *Fordice*, Mississippi insisted it was desegregated and, after the Court's ruling, relied primarily on closing two institutions to ensure desegregation. Moreover, the district court's order, to some degree, recognizes the limitations that courts face in promoting effective desegregation; by ordering further study of several crucial issues and establishing a monitoring committee, the court has quite dramatically deferred to the judgment of educational leaders about what constitutes sound educational policy and what additional measures are required.

The Louisiana Settlement. The only other systemwide remedy ordered since *Fordice* — the settlement in the Louisiana case of *United States v. Louisiana*¹⁴ — seems to be designed to address the particularities of that case through a compromise negotiated by the parties rather than through measures directly mandated by the district court. The *Louisiana* case involved the inadequacy of a prior settlement and the threat of a court-ordered remedy that was opposed by both the state and by traditionally white and historically black institutions. Moreover, the case was brought by the United States and did not involve any private plaintiffs directly representing minority students. The principal remedial measures that comprise the Louisiana settlement include:

- \$65 million in previously deferred capital improvements on the campuses of traditionally black institutions;
- up to \$58 million for the addition of new programs at traditionally black institutions over the next 10 years;

- additional recruitment of minorities by traditionally white institutions, particularly for their graduate programs and faculties, including:
 - other-race admissions officers,
 - outreach programs to high schools in minority areas,
 - minority graduate scholarships, and
 - the development of affirmative action hiring plans for faculty;
- modified admissions criteria;
- a new community college with articulation agreements with existing four-year institutions; and
- consideration of possible reduction in program duplication between geographically proximate, previously segregated, and currently racially identifiable institutions.

Indeed, like an earlier settlement in the same case, this agreement ultimately may prove inadequate to desegregate fully the Louisiana system of higher education. Nevertheless, like the *Ayers* decision, it is instructive — if not as a model comprehensive remedy, then at least because it provides an example of some of the remedial steps that states or courts may want to consider.

The elements of the Louisiana settlement and the Mississippi order exceed in scope the remedies likely to have been required before the Supreme Court's decision in *Fordice*. As *legal remedies*, they may be sufficient to meet the mandates of *U.S. v. Fordice*. As a matter of *sound educational practice*, however, they may not go far enough. Because the remedies accepted in both Louisiana and Mississippi do not grapple with issues of adequate preparation that begin in elementary and secondary schools, they lack the comprehensiveness that is, we believe, crucial to an educationally sound approach to desegregation in higher education. In addition, neither remedy puts in place the type of accountability mechanism that experience has shown is critical to any successful educational reform effort.

FACING THE FUTURE: FOCUSING ON STUDENTS THROUGH "SOUND EDUCATIONAL PRACTICES"

The legal history we have discussed describes the first stage of a journey that will end only when real educa-

tional opportunity is available to all students. We cannot rely solely, or even mostly, on the courts to help us reach this destination. At this writing, of 19 states that once operated *de jure* segregated systems of public higher education, and where vestiges of segregation arguably remain, only four are now in litigation (Alabama, Louisiana, Mississippi, and Tennessee). Two of these have now adopted post-*Fordice* remedies that are promising but limited in scope. Clearly, then, much of the impetus for reform for these and other states must come from entities other than the judiciary.

Benjamin Mays, the noted educator, once said that "desegregation and integration are not ends in themselves, but merely means to ends." In this instance, the end must be education systems that provide all students with access to high-quality educational institutions and equal opportunity to succeed once they have been admitted. To get there we must understand and apply the sound educational practices to which *Fordice* gave special prominence. *Sound educational practices*, we believe, *are those that promote the interests of students*. The Supreme Court in *Fordice* encouraged educational leaders to emphasize these interests; in the remainder of this report we provide guidance for how they may do so.

Whether grade school or graduate school, urban or rural, historically black or traditionally white, educa-

tional institutions should be student-centered, devoted to meeting student needs and promoting their success. The student-centered approach responds to the legal obligations outlined throughout this chapter — for it is individual students who have been harmed by the legacy of segregation and who must be provided with the choice and opportunity called for by *Fordice*. This approach also goes beyond legal principles and incorporates the promise that is inherent in desegregation, that of truly equal opportunity.

In practice, it means that states must attack the systemic underlying failures of public education — from pre-kindergarten through postgraduate education — and create, in effect, a comprehensive education system that provides all students with an education of high quality. Creating the system is not solely the province of the courts. Courts are a necessary but ultimately imperfect means of resolving longstanding issues of equity in higher education. The legal context provides both clarified responsibilities and new opportunities for state leaders and higher education officials. They are asked to hold true to the promise they have historically been quick to make and often slow to keep — the promise of genuine access to an education of high quality for all citizens, regardless of race. ■

BUILDING A NEW SYSTEM



"I see the fragmentation of the institutions that are supposed to educate us. First you have K-12, then you have a community college, and then you have a higher education institution... Education is indivisible; it is a process and should be tailored as such."

— *Minority student at a comprehensive university*

Fordice requires the elimination of race as a limiting factor in providing genuine access to higher education, authentic choice among institutions, and a true chance for an education of high quality to all students. But, as we discussed previously, the ruling has limitations; its broad legal principles only give general guidance to courts, policymakers, and educators as they build nonracial systems of higher education. In this chapter, we present some principles that will help make the vision of a nonracial system a reality.

A NONRACIAL SYSTEM

Our ultimate goal is the development of a system of higher education institutions in which race plays no factor in student access or in student success. In this system, traditionally white institutions will demonstrate convincingly that they no longer exclude minority students and that they effectively provide them with an education of high quality. In this system, traditionally black institutions will not be relegated by state policy to second-tier status.

For some, the first, and frequently the most compelling, solution to the problem presented by the continued existence of a dual system of higher education is to close the traditionally black institutions. Traditionally white public institutions, they reason, have greater resources, modern facilities, and the weight of the state's economic and political establishments behind them. Historically black colleges and universities, in this view, are anachronisms; eliminate them and the problem disappears.

We emphatically reject such an approach. *Fordice* mandated the elimination of vestiges of segregation in accordance with sound educational practices. Both traditionally white and traditionally black institutions are vestiges of purposeful, state-imposed, racial segregation;

each set of institutions was created and maintained to promote it. This pattern continued after *Brown v. Board of Education*, when many states, rather than invest resources to upgrade existing black institutions so that they could attract white students, instead created new ones near the black institutions. The new institutions, along with existing traditionally white institutions, continued to discourage blacks from attending. Thus, the existence of traditionally white institutions, as much as that of historically black ones, today reflects the states' previous policy of racial separation. Neither set of institutions has the greater right to survive, and the burden of creating a new system should not fall exclusively or disproportionately on historically black institutions.

There is, furthermore, no educationally sound reason to desegregate systems by eliminating those institutions that are at the forefront of providing effective minority access to higher education. Today, historically black institutions serve a critical role in providing access to black students, one which they are likely to continue to serve in the foreseeable future. Historically black institutions must be maintained to ensure that minority students, who are already the victims of prior *de jure* segregation and state-sanctioned racial discrimination, are not further disadvantaged.

Given the opportunity, HBCUs also demonstrate the capacity to provide high-quality programs that attract substantial numbers of white students. For many years, Harvard professor Charles V. Willie has advocated that enrollment of a "critical mass" of other-race students should be an important goal in desegregating educational institutions. In a 1993 lecture, "Black Colleges Are Not Just for Blacks Anymore," he discussed the benefits that white students receive when they are educated at HBCUs. Among these are learning in a nurturing environment, being taught by faculties that are more diverse than those in predominantly white institutions, communicating with persons different from themselves, and realizing personal growth as they come to understand that they do not always need to be in the majority. It is a learning experience also for black faculty and students when they, as the majority, must understand how to address the needs of a minority of white students who are more than just a token presence.

Building a nonracial system does not depend upon closing historically black institutions. Rather, we suggest that such a system can be created if state and academic leaders adopt three principles that will promote equity and lead to a transformed system. They are:

- **Student-Centered:** State systems must become student-centered. They must be organized to advance the interests and respond to the needs of students rather than the preferences of the institutions created to meet those needs.
- **Comprehensive:** State systems must concentrate on systemwide approaches to desegregation and promote the principle that each part of the system — K-12, community colleges, and higher education — is linked to the other.
- **Accountable and Performance-Driven:** State systems must be performance-based and held accountable for results.

STUDENT-CENTERED

Student-centered education is at the core of the "sound educational practices" the Supreme Court referred to in *Fordice*.

All too often, students are blamed for failures that are more properly assigned to the system. In *Fordice*, for example, Mississippi argued that black students were responsible for their low representation on college campuses because of a lack of interest in higher education as evidenced by their failure to complete college preparatory curricula. Mississippi officials ignored the fact that many predominantly black high schools in the state *did not offer* the state-required courses. By blaming the victims, states and higher education institutions attempt to attribute minority performance to a variety of alleged personal deficiencies and thus relieve educational institutions from accountability.

Fortunately, new thinking is emerging which provides standards for public schools, from kindergarten through high school. This new approach places responsibility on schools to assure that all students learn at high levels, no matter what their family background, home language, or economic circumstances. This student-centered approach is organized around the consensus that *all* students can reach higher standards of performance than have been expected in the past.

The new consensus underlies the National Education Goals — originally developed by President George Bush and the nation's governors in 1989, and modified and signed into law by President Bill Clinton in 1994. It is also the foundation of the education reforms enacted in South Carolina in 1984 and the Kentucky Education

Reform Act passed in 1990. What unites these disparate efforts is the conviction that every child can succeed and that all children are entitled to a first-class education.

To date, the new approach has been most visible at the elementary and high school levels. However, in our view, this new orientation around student needs will inevitably become the norm in higher education as well. Signs are already apparent.

The "Wingspread Group" noted in 1993 that the nation's colleges and universities need to focus greater attention on the value added to student learning by the undergraduate experience.³ Oregon recently reorganized its higher education admissions requirements around changes in the state's K-12 curriculum that have been implemented to develop different student competencies. In 1992, the current system of accreditation in higher education was questioned by amendments to the federal Higher Education Act, which imposed a new superstructure of State Postsecondary Review Entities that will have, if they are maintained in the 104th Congress, the authority to examine institutional and student performance. North Carolina has made increased retention and graduation rates a central component of a recently developed higher education desegregation plan. In seeking to improve student performance, many institutions have begun to acknowledge and attempt to treat the profound effects of such ostensibly nonacademic issues as campus climate and adequate student support.⁴

In a genuinely student-centered institution, faculty, administrators, and students will be involved in a con-

"I talked to some of the staff and faculty here and they let me know exactly how long I would need to finish my degree. They took my little student transcripts and sat down with me and spent time with me, and that was just the determining factor. I saw this was a place...where people cared about whether you made it through and cared about getting you through."

— White student at a historically black college

tinuous process of evaluating how well the institution serves the needs of its students by asking, among other things:

- Do admissions requirements accurately assess student potential?
- Are the institution and its faculty and staff committed to student success and do they take every measure necessary to promote it?
- Do institutions regularly provide the compensatory and remedial assistance required by some students without stigmatizing them for it?
- Are undergraduate offerings related to career opportunities for graduates?
- Does the curriculum reflect the diverse nature of the world in which we live?
- Are curriculum offerings reviewed regularly to ensure they match the mission of the institution and the goals of its students?
- Are faculty encouraged to focus on teaching and mentoring?

In brief, just as state and national leaders are asking public schools to worry more about course content, student needs, and performance, they are beginning also to turn their attention to similar concerns in the nation's colleges and universities.

COMPREHENSIVE

Building a system of higher education that promotes access, choice, and success for all minority students requires state leadership that is both committed to opportunity and unequivocal in its pursuit. That commitment finds its best expression in an understanding of the interconnectedness of the various stages of the education "pipeline." It recognizes that the circumstances of families and children greatly affect learning. It sees public education as a seamless continuum that begins in preschool and concludes when students graduate prepared to confront the challenges of living and working in a rapidly changing, competitive world. It recognizes that what happens at home influences early education and that experiences in elementary school affect what happens in secondary school, that what is learned in high

school lays the foundation for later learning as an undergraduate, and that undergraduate performance determines one's chances for graduate and professional education and for future success. It recognizes that what is *not* provided, what is *not* expected, and what is *not* encouraged will be lost forever. Real learning is built from the ground up. Inherent in this belief is an understanding of the importance of, and a commitment to, fostering meaningful collaboration between and across different sectors of education.

In our view, sound educational practices require that state leaders concerned with desegregation — with real access, choice, and opportunity for an education of high quality — take this comprehensive approach. In doing so, they must start with the foundation, K-12, rather than with the capstone, the higher education system itself.

Each sector of public education is the creation of the state, and it is the state that is ultimately responsible for its quality and performance. States have an overwhelming interest in both K-12 and higher education and appropriate large sums of money for both. State officials cannot argue that they have constitutional authority for education while maintaining that they are not accountable for it. The state that is responsible for the entire educational structure — i.e., from kindergarten through postdoctoral programs — cannot plausibly insist that what goes on in one of the areas bears no relationship to what goes on in the others. The state, in short, cannot use its failure to provide an education of high quality to all students in public schools as a rationale for not meeting its constitutional responsibility to desegregate higher education.

States must treat the two systems as one in shaping remedies for lingering effects of segregation. To promote minority student success, states must link K-12 with higher education in ways that are concrete, comprehensive, and continuous.

ACCOUNTABLE AND PERFORMANCE-DRIVEN

Trying hard is not good enough — either for institutions or students. Ultimately, higher education can claim success only if many more of its students complete their degrees and go on to the next stage of their careers.

Here, once again, the accountability and performance features of public school reform are instructive.

Among the common elements in these reform efforts are:

- high curriculum standards and performance expectations for all students, including disadvantaged students;
- new assessment strategies tied to demanding content and student achievement standards that are state-of-the-art; and
- measurements of institutional performance, including incentives and penalties that hold institutions accountable for results.

We are convinced that higher education institutions must similarly be accountable for student success, even though the criteria for and means to measure that success will vary.

The most important measure of student success — the value that the institution adds to the student — is what is learned. A second measure of institutional performance should be the proportion of entering students that graduates prepared for further study or meaningful work. Immediate postcommencement success can be measured by such indicators as the proportion of graduates finding initial employment and the proportion entering graduate or professional programs. Longer term indicators (possibly after five years) might include the proportion employed, the proportion employed without an involuntary break in employment, gauges of career and education satisfaction, and proportions completing graduate and professional programs.

The first step in developing accountability is collection of data to monitor performance. Accurate, consistent, and clear information on how state systems and institutions within the system are performing is not readily available. States must build data collection systems that will enable the public to know how institutions of higher learning are performing.

A FRESH START

Promoting student-centered approaches, implementing comprehensive education reform, and ensuring accountability are all pressing issues that are not limited to one region, but the entire nation. *Fordice* presents the South with a chance to develop innovative approaches to enduring issues; success in the South can serve as a model

for the nation. In accepting the invitation that *Fordice* offers, the South will not only discard the vestiges of segregated higher education systems once and for all, it will also cast off the remaining burden of its history.

A good-faith, comprehensive response to the challenge presented by *Fordice* will once again put a human face on the idea of desegregation. In the last 40 years, some have assumed that once numerical goals were reached, genuine educational opportunity would automatically follow. Clearly, this has not been the case, and failure to meet these assumptions has had a perverse effect: many no longer appreciate the important connection between desegregation and educational opportunity — and have turned their back on the effort. *Fordice* now enables us to develop comprehensive new approaches and more meaningful measures of success. By emphasizing the interests of students, it allows us to concentrate on education at all levels and to promote opportunity for all by adopting a systemic, results-oriented approach to desegregation.

If this ideal is to be realized, state officials must confront formidable problems: Student access is restricted, education quality is uneven, and success for *all* students is not yet apparent. ■

ACCESS



"Many of our minority public school students aspired to enter college but were not enrolled in academic college-preparatory programs. And the differences between academic aspirations and preparation were far more common among blacks than whites."

*— Administrator,
state higher education system*

Access must be the very first consideration in building a desegregated system that provides students with both choice and opportunity regardless of race. Students who never enter the nation's colleges and universities will never graduate from them.

Almost two decades ago, the Department of Health, Education, and Welfare, in response to *Adams v. Richardson*, determined that minority student representation in public institutions of higher learning should equal their representation among high school graduates. This standard is consistent with *Fordice*. We believe that it is both reasonable and attainable and that it should be the one by which efforts to increase minority access are measured.

The data presented in Chapter 1 and in Figure 3, below, make clear how far we must go to reach that standard. In each of the states in our analysis, blacks were significantly underrepresented in the college-going cohort, while whites were overrepresented in relation to their percentage of the population. At the same time, blacks continue overwhelmingly to be educated at his-

torically black institutions while whites predominate at those that have been traditionally white (see Figure 4).

Despite these numbers, we believe that all students can learn and that the aggressive adoption of policies and practices to increase access can bring about equitable representation.

AN ELUSIVE GOAL

Far from being outside America's reach, the goal of equitable access was once within our grasp. Our institutions have demonstrated their capacity to achieve fair representation of minority high school graduates on campus. Nationwide, between 1974 and 1976, the proportion of black and Hispanic college students approached parity with that of whites. But that success was fleeting, and by 1992, the gap among these groups had substantially widened.

There are different reasons for the gap; many of them are related to the increasing difficulty that all students — minorities, in particular — experienced in trying to finance a college education. College costs have skyrocketed — annual institutional charges have increased at more than twice the rate of inflation since 1980. While this has affected most families, it has especially burdened low-income families, which are receiving

FIGURE 3
Proportions of Blacks and Whites Among Various Populations, 1990-91

	Blacks			Whites		
	% of College-Age Population	% of Freshmen ^a	% of Degree Recipients ^b	% of College-Age Population	% of Freshmen ^a	% of Degree Recipients ^b
Average	24.6	16.3	10.2	70.3	76.8	81.0
Alabama	32	20.4	13.6	67	77.3	82.4
Florida	20	14.4	7.5	76	77.2	77
Georgia	32	11.5	11.8	66	79.8	79
Kentucky	9	8.1	4.1	90	90.3	92.5
Louisiana	36	28	12.3	61	68.2	73
Maryland	30	22.1	11.6	65	69.8	78.1
Mississippi	43	20.4	11.8	56	61.6	76.6
North Carolina	27	23.3	14.4	70	73.7	79.8
Pennsylvania	11	8.2	3.8	86	87.8	90
Tennessee	19	12.5	8.7	79	85.6	86.9
Texas	14	9.9	5.4	54	72.6	77
Virginia	22	16.7	10.6	73	77.9	80.2

^a = first-time full-time freshmen at public institutions. ^b = baccalaureate recipients at public institutions.

Source: Michael T. Nettles, 1994, "Minority Student Access to Public Undergraduate Colleges and Universities in Selected Southern States," and "Minority Representation Among Public College and University Degree Recipients, Faculty and Administrators."

FIGURE 4
Proportions of Black and White Enrollments in Traditionally
White and Historically Black Public Institutions, 1992

	Traditionally White Institutions			Historically Black Institutions		
	White	Black	Other	White	Black	Other
Alabama*	83	14	3	91	8	1
Florida	80	6	14	93	5	2
Georgia	80	15	5	95	4	1
Kentucky	91	6	3	69	29	2
Louisiana	80	14	6	96	2	2
Maryland	78	10	12	88	8	4
Mississippi	77	21	2	98	1	1
North Carolina	82	13	5	86	12	2
Pennsylvania	90	6	4	97	2	1
Tennessee*	86	11	3	79	18	3
Texas	76	7	17	77	8	15
Virginia	81	10	9	93	6	1
12-State Average	82	11	7	89	9	3

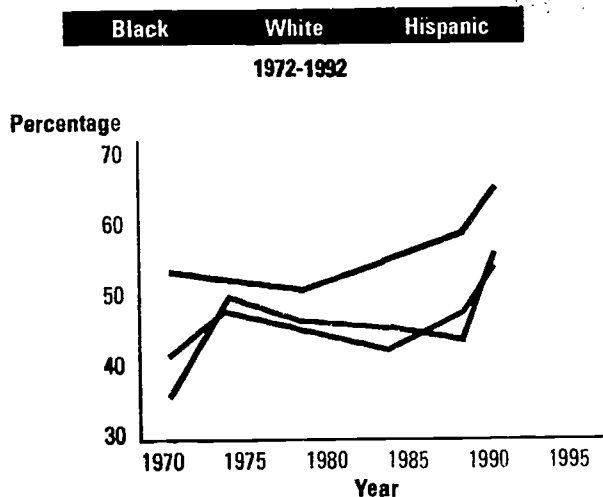
* Includes two-year HBCUs.

Figures may not add up to 100 percent due to rounding.

Source: Unpublished data tabulations, SREB, based on data from National Center for Education Statistics, 1994.

less direct federal aid in the form of grants than they were in 1976. Also during this period, the amount of federal aid did not change, but the number of students eligible for it increased. Furthermore, the nature of aid available to students changed dramatically — it is esti-

FIGURE 5
14-24 Year Olds Who Have Completed
at Least One Year of College



Source: *Minorities in Higher Education*, 12th Annual Status Report, American Council on Education, 1993

mated that students today borrow \$4.30 for every \$1 they receive in federal grants, more than four times what they did in 1976.¹ The result is that the representation of black and Hispanic students on college campuses nationwide is nowhere near what it should be. As Figure 5 indicates, the representation of these students on campus only recently regained the levels of the mid-1970s. Today, more minorities are in the pipeline, and more are in the potential college-going pool, but proportionately fewer actually get through the college door.

In the South, the marked differences in college attendance among citizens of different races/ethnicities are even more pronounced. The region continues to lag behind the nation in overall college-going rates, and minority students, who represent a greater proportion of the youth and young adult populations, lag significantly behind whites in college enrollment. According to the Southern Regional Education Board, "In the region, 45 percent of white, 35 percent of black, and 27 percent of Hispanic young adults complete one or more years of college."² And as we discuss later, minority students are heavily dependent on community colleges for access to higher education, and for southern blacks, HBCUs play a central role in providing access. To increase the college-going rate for black and Hispanic students, we must deal

with three persistent problems:

- inadequate preparation for college;
- inappropriate admissions practices; and
- insufficient student financial aid.

Inadequate Preparation

To get to college, minority students in the South must depend on some of the worst public schools in the United States. These children and youth face a bewildering set of obstacles for which no single agency appears to be responsible or is willing to accept responsibility. The most notable among these obstacles are tracking, substandard curricula, and inequitable financial support for schools that serve large numbers of minorities.

Tracking and Curricular Exposure. Minority students are frequently confronted with the pernicious practice of tracking them into dead-end curricula. Tracking often begins in the very first week of the very first year of school,¹ and its effects last a lifetime. Judgments are made, without parental consultation, that designate four- and five-year-old children as “advanced,” “average,” and “behind.” The sorting and grouping of students that begins early on follows them throughout their careers in school, often limiting their aspirations and precluding their success.

In the middle school years, this process intensifies and options begin to disappear; as one southern school superintendent recently remarked, “racial tracking is not much more than segregation.”² A host of recent studies demonstrates that minority students disproportionately suffer the consequences of tracking. The president of the College Board, a member of the Panel, described how tracking works in middle school and later years:

“[We] discovered that black students [who were] receiving the same grades [as whites] through the eighth grade, testing at the same levels, were being shunted into remedial courses in high school in the ninth grade and not sent into first-year algebra... It is deliberate tracking of black students with the same levels of competency, the same levels of preparation, but is based on assumptions that they needed remediation in the ninth grade rather than going on to a pre-collegiate academic track. And, it happens over and over again.”³

FIGURE 6
Percentage of 1982 High School Graduates Attending College
by Geometry Classes and Race/Ethnicity

% of Each Group Taking:		
Race/ Ethnicity	Less than 1 Year of Geometry	1 Year or more of Geometry
White	60.0%	39.9%
Black	81.3%	18.6%
Hispanic	82.5%	17.4%
Other	70.8%	29.1%
% Attending College by October 1982		
White	28.8%	70.8%
Black	23.8%	64.8%
Hispanic	24.2%	63.4%
Other	23.5%	69.6%
% Attending College by June 1986		
White	42%	83.0%
Black	38.8%	80.1%
Hispanic	36.7%	81.9%
Other	39.0%	79.8%

Source: U.S. Department of Education, *High School and Beyond*, cited in Pelavin, Sol H., and Kane, Michael, *Changing the Odds: Factors Increasing Access to College* (College Entrance Examination Board: New York, 1990).

Figure 6 presents that study's findings relating race/ethnicity to the study of geometry.

Two conclusions stand out from these findings. First, white students are twice as likely as are black and Hispanic students to take geometry courses for a year or more. Second, the completion of a year or more of geometry appears to correlate directly with college attendance rates. The college-attendance differential between minority and white students virtually disappears among geometry students — 83 percent of those who are white attend college, compared with 80 percent of black and Hispanic students.

Directing minority students away from college-preparatory studies is a widespread practice. In the 12 states studied in this report, only an average of 53 percent of black ACT test-takers had taken the core courses recommended for a college-preparation program, compared with 62 percent of white test-takers.⁴ Taking the ACT is viewed as an indicator of students' plans to attend college, yet this disparity in college-preparatory course-taking suggests underlying problems in student understanding of what courses are needed for college, a possible lack of access to the appropriate courses, and poor advising from school counselors. Ensuring that

critical courses are available to minority students and insisting on their exposure to them can have a profound effect on improving minority college-going rates.

School Finance. An equally serious problem is inadequate funding of schools in low-income areas, predominantly in minority communities. Testimony in a 1993 Alabama school-finance suit described Black Belt schools with sewage leaking onto playgrounds, termite-infested libraries and classrooms, hallways crawling with ants, and tables propped up with milk crates.⁸

Reliance on local property taxes to fund public schools accounts for most of the school finance inequities within states. An authoritative national survey of expenditure inequities among school districts prepared for the U.S. House of Representatives provides some vivid examples:⁹

- The 300,000 students in the poorest school districts of Texas are supported with less than 3 percent of the state's property wealth — but the 300,000 students in the wealthiest districts have more than 25 percent of the state's property wealth behind them.
- The 100 poorest districts in Texas spend an average of \$2,978 per student; the 100 wealthiest districts spend an average of \$7,233.
- The wealthiest districts in Pennsylvania and Ohio, states which had operated *de jure* segregated systems of higher education, outspend their poorer neighbors by ratios of 2.4 and 2.8 to 1, respectively.

One of the bedrock values of the United States is fairness. Most Americans are committed to the proposition that all children deserve a level playing field — they are all entitled to a fair chance as they start out in life. Funding disparities of nearly 3 to 1 call into question the commitment of state and local officials to that basic value.

Inappropriate Admissions Practices

Many minority students successfully negotiate the hurdles placed before them in public schools only to find themselves arbitrarily excluded from higher education by the misuse of tests and test scores. In *Fordice*, the Supreme Court recognized the segregative effects of the inappropriate use of tests. It noted that the state of Mississippi ignored the position of the developers of the

ACT when it established a policy of “automatic” admissions based solely on test scores. Given the dead-end curricula into which minority students are frequently tracked, it is not surprising that average scores for black and Hispanic students are lower than average scores for white students; what is not taught cannot be learned.

We are deeply concerned that in some states — and many institutions — standardized test cut-offs are established without regard to appropriate expert opinion. Mississippi, for example, established automatic score cut-offs governing access to its institutions despite a policy statement from the test developer that it was “silly” to do so.

We realize that in keeping with current education reform thinking and public demands for assessment and accountability, the nation is likely to see more testing. Most informed observers believe, however, that we can develop better and more reliable indicators of student progress — more “authentic” tests — that truly measure students' capabilities and accomplishments.

We also recognize that tests of some kind are essential in college admissions decisions; although better examinations may be needed, standardized examinations are helpful in comparing the records and achievements of different applicants from thousands of different secondary schools. Finally, we know that, like their white peers, some minority students score at the very highest level on tests of all kinds. To argue that national tests are *uniformly* unfair would be to slight these students' outstanding performance.

It is our view, though, that some states and institutions rely too heavily and too rigidly on standardized tests for admission. Too often, test scores serve institutional needs for prestige more than they do the educational interests of students. We believe — and

“Attention should be given to the standard gatekeeping courses that most minority students are counseled away from — algebra, geometry, and advanced English. These are the very classes that they need in order to make good scores on the SAT, to get scholarships, and to do well in their college courses.”

— Elected state official

FIGURE 7
First-Time Full-Time Freshman Enrollment in 12 States
What Institutions Blacks Attended in 1991

	Flagships	Other four years	HBCUs	Two-year colleges
All numbers shown are percentages.				
Average	9	20	29	42
Alabama	4	9	21	66
Florida	51	13		78
Georgia	9	23	22	45
Kentucky		27	30	16
Louisiana	4	26		45
Maryland	9	10	41	40
Mississippi	8	4	32	58
North Carolina	10	13	40	37
Pennsylvania	3		56	8
Tennessee	13	20	30	37
Texas	7	25	29	39
Virginia	12	19		48

Note: Figures may not add to 100 percent due to rounding.

Source: Southern Regional Education Board, based on data from the National Center for Education Statistics (1994).

expert opinion on this issue is unanimous — that a combination of multiple admissions criteria including high school grade point average, the courses completed, teacher recommendations, extracurricular activities and community service, and standardized test scores, is a much better predictor of college success than test scores alone. Institutions should focus more on relating what is being assessed to what students require to succeed.

Access via Community Colleges. The simple truth is that many states which formerly operated dual systems of higher education have assigned a major responsibility for access by black and Hispanic students to HBCUs, community colleges and less-prestigious traditionally white institutions. Enrollment patterns in the 12 states studied make this abundantly clear (see Figure 7).

Black and Hispanic students are much more likely to be enrolled in community colleges, in less competitive four-year institutions, or in historically black institutions, than they are to be in major research universities. Minority access to higher education through these institutions should be the product of free choice rather than discriminatory state policy.

Most states have made significant investments in community colleges in the hope of providing greater

general access for more students to higher education. Community colleges are less expensive, they are more accessible geographically, they offer a variety of programs — both academic and vocational — and their admissions requirements are often relatively low. All of these attributes naturally make them attractive institutions to low-income students, including minorities. In many states these institutions serve their communities, including low-income minority communities, extremely well, particularly by providing first-rate technical education and job-training programs.

For the most part, however, according to our research and testimony that we heard, community colleges have not fulfilled their potential to provide genuine access to four-year higher education." As a recent study warned, rates of transfer between two- and four-year colleges are "cause for concern":

"First, the transfer function is not as generally effective as it might be. Second, students of any race whose educational career involves transfer are less likely to achieve the Baccalaureate than their colleagues who do not transfer. Third, transfer is not as likely to result in academic success for minority students as for the general college population... [E]ducational attainment for blacks and Hispanics who begin their collegiate careers in the community college is even less than that of their white counterparts."

In concept, community colleges appear to be access channels to four-year higher education. In practice, however, higher education as a statewide enterprise treats these institutions as stepchildren. In many states, there has been little effort to ensure effective articulation between community colleges and four-year institutions. And there is little accountability for what happens to students once they enroll in a community college. For many minority students, community colleges all too often are an extension of the tracking they have known since entering kindergarten.

Access via Historically Black Colleges and Universities. Historically black institutions present a different picture — and a different access issue. In the states we studied, they are major points of entry for black students who desire to pursue four-year degrees. In four of these states, 40 percent or more of all black first-time, full-time students are enrolled in HBCUs, and in

eight of the states, 50 percent or more of all black first-time, full-time students at four-year institutions are found at these colleges and universities.

We heard testimony that, among their other roles, historically black colleges and universities throughout the South continue to provide opportunities for inadequately prepared students whom no other four-year institutions will accept. HBCUs recognize that these students are not incapable of learning, but that the system which produces many of them does not offer the advanced preparation necessary for college-level work. HBCUs are dedicated to nurturing these students and to providing them with the opportunity to overcome lack of preparation for college. Black colleges and universities remain central to efforts to ensure access for black students. Without HBCUs, access for black students — already limited — would be drastically reduced. We heard testimony from a broad range of witnesses that minority access would plummet without historically black institutions because most traditionally white institutions do not consider educating disadvantaged students to be a major part of their mission.

Recruitment Strategies. If we are truly dedicated to ensuring equitable access for minority students to four-year institutions, flagship and other traditionally white institutions must accept many more minority students than they currently do — and not just those at the top of their high school graduating classes or from upper middle-class families. “Creaming” does not compensate for insufficient access. All institutions of higher education have the responsibility to admit some of those students who have traditionally been the responsibility of HBCUs and to work diligently for their success.

Effective recruitment strategies are essential to increasing the numbers of minority students who matriculate at more competitive, traditionally white institutions. These strategies must reflect institution-wide commitments, reflective of state policy, to a more diverse student body. To work, recruitment strategies must be clearly tied to the regular academic program of the university and supported by institutional funds — too many laudable programs disappear when external funding ends. Recruitment initiatives must link core institutional programs with activities in elementary, middle, and high schools and with community colleges. They should involve collaboration between elementary and high school teachers and faculty in two-year and four-year colleges on course requirements, expectations,

and curricula. The strategies themselves are wide-ranging and include, among other things, after-school and weekend programs, high school courses taught by college faculty, mentoring programs, summer institutes, and scholarships.

Innovative recruitment programs will not, in the foreseeable future, be able to reduce the reliance of substantial numbers of black students on HBCUs for a college education. It is important, therefore, that states ensure that HBCUs have the capacity and capability to provide those often disadvantaged students whom they accept with an appropriate, high-quality education (see the discussion in Chapter 5). Historically black colleges themselves must also work harder to attract increased numbers of other-race students; in too many of these institutions white enrollment is little more than token. Testimony at hearings made clear to us, however, that HBCUs will not be successful in this endeavor unless they are able to offer high-profile, high-demand programs that will enable them to compete with better-equipped institutions for students of all races.

Insufficient Student Financial Aid

Finally, students who cannot afford to pay for college are much less likely to attend. To create the kind of desegregated system of higher education that we envision, resolution of the student financial aid crisis, to benefit needy students of any race, is critical.

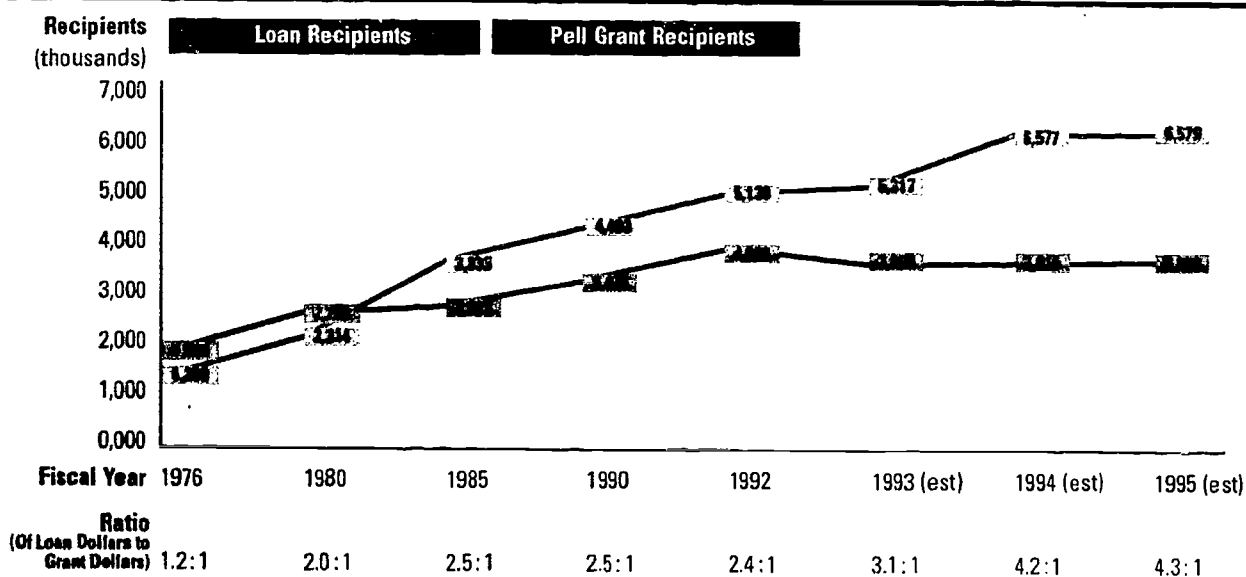
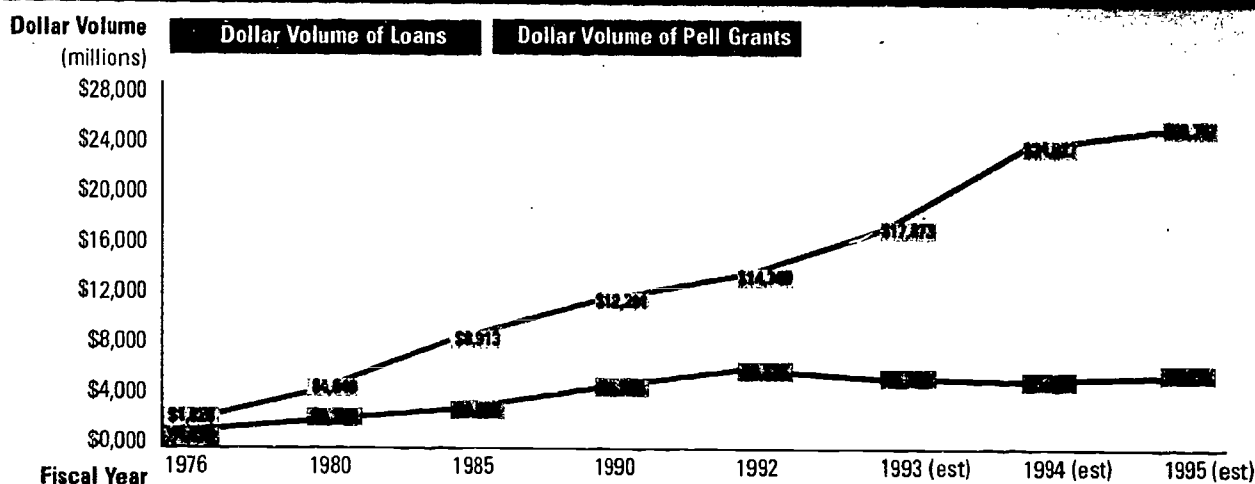
It is hard to argue with facts. College costs are going up and the real value of student aid is going down. The affordability crisis in American higher education is genuine and can no longer be ignored or addressed piecemeal.

Throughout the 1980s, tuition and fees increased at both public and private institutions at twice the rate of inflation.¹¹ Higher education officials provide a number of explanations for this — additional student services,

“...responsibilities for financing higher education are shifting. The burden for paying for higher education is shifting away from federal, state and local governments towards the individual.”

— Public policy researcher

FIGURE 8
Federal Loan and Pell Grant Figures, Selected Years, Fiscal 1976-1995



Source: U.S. Department of Education, *Fiscal Year 1996 Budget Proposal*, 1994.

skyrocketing health care costs, reductions in state assistance, and the labor-intensive nature of the enterprise itself. Some institutions also have made an effort to transfer more of the costs to those who can afford them so that more financial aid can be provided to those who need it. Whatever the causes, the net result is that the cost of education has increased sharply.

Minority families in the South are the least likely of those in any region to be able to contribute substantially to support higher education.¹² Consequently, they rely heavily on student aid. In Mississippi, for example, tuition at public colleges and universities is about 40 percent of the average minority income.¹³ At a hearing in

Austin, Texas, Hector Negrete, the son of Mexican-American migrant workers and a migrant worker himself, told us:

"I know a lot of students with me at Southwest Texas State would not be there if it wasn't for College Assistance Migrant Program scholarships. There should be more opportunities for these people who tend to get disillusioned at the fact that they have always been down and they will never get up."

He pleaded for the reinstatement of the scholarships, which had been discontinued.

At the same time, as indicated in Figure 8, although the amount of federal student aid has increased, the nature of that aid has changed dramatically and the number of recipients who qualify for it has increased even faster.

In the 1970s, more students received need-based Pell Grants than borrowed under federal student loan programs — and the federal government spent about the same amount of money on both kinds of aid. For 1995, the number of borrowers anticipated will be nearly 70 percent higher than the number of grant recipients — and more than four times as much will be spent on loans.¹⁴ Figure 8 displays the results: In 1976, students borrowed \$1.20 for every dollar they received in federal grants; by 1992, they had to borrow twice as much, \$2.40. This year, it is projected that students will have to borrow \$4.30 for every dollar they receive in grants.

One result of these changes is that financial aid is now more oriented toward the needs of middle- and upper-middle-income students than it is to those of low-income students. Another is that students and their families are now paying about 138 percent of what they paid in 1980 to attend college. In the words of Thomas Mortenson, a leading analyst of financial aid policy, this is a classic “between a rock and a hard place” dilemma. Young people who do not pursue postsecondary education face truly brutal treatment by a labor market that reserves its best jobs at highest pay for those with the most education. For those who do go to college, the clumsy redistribution of responsibilities for financing higher education from society to individuals, and the growing affordability problem it creates, adds to their costs.

Developments at the federal level are matched by equally severe problems in state financing. Voter resistance to taxation and expenditures, combined with increased costs for health care, public safety, and corrections, has limited funding growth for higher education. In fact, year-to-year funding for higher education in some states has declined for the first time since the Depression.

The financial problems of low-income minority students are acute. Most are the first students in their families to attend college. Many minority students actually send money home to help support their families — they are not able to use all the money they earn, or receive in financial aid, to support their education.¹⁵

Despite the current budget problems of federal and state governments, we are convinced that these problems

can be addressed. Public opinion polls demonstrate conclusively that the general public believes that no deserving student should be denied the opportunity to attend college simply because he or she cannot afford it.¹⁶ Moreover, about three-quarters (73 percent) of Americans report that they favor, or favor strongly, special college scholarships for minority students who maintain good grades.¹⁷

In this regard, the *Podberesky* decision mentioned in Chapter 2¹⁸ presents a challenge — but not an insurmountable barrier — to targeted minority student aid. We heard testimony about the success of the Banneker Scholarship program at the University of Maryland in attracting minority students. It is clear to us that the state of Maryland, and its university, did the right thing. It is essential that states and institutions do not use *Podberesky* as an excuse to abandon the effort to create financial aid programs that will encourage minority students to enter and complete college. We remain confident that, in the end, minority scholarships, appropriately designed to remedy past discrimination and encourage diversity, will pass muster as an acceptable method of advancing desegregation.

“The Banneker program meant so much because it gave me the chance to recognize who I am and to recognize my potential. Banneker Scholars have really served as a bridge between the white community and the black community. We are destroying myths that blacks cannot be intelligent.”

— Banneker Scholar, University of Maryland, College Park

CHALLENGES AHEAD

These then are the basic challenges facing state and institutional leaders as they try to promote access in truly desegregated systems of higher education: dealing with inadequate preparation for college work, reforming inappropriate admissions practices, and providing stu-

dents with appropriate financial support. If officials respond appropriately to the challenges before them, students from all walks of life and from every racial and ethnic background will be properly prepared for college, every student will be judged appropriately and fairly in the admissions process, and all students will be able to choose freely among the range of choices available to attend appropriate, high-quality institutions.

Should state officials resist recognizing the need to improve access for all students, we will be confronted again with continuing litigation and, as state officials spend time and consume resources attempting to justify their practices, regardless of the ultimate judicial determination, more lives will be wasted. We believe that it is far better for states to address these barriers to access prior to, and regardless of, potential legal determinations against them. The future of our region and our nation depends on it. ■

SUCCESS



*"I was quite intimidated...
I always heard, 'so-and-so
dropped out of college, or
so-and-so flunked out.'*

*I was so scared, but I said
I really want to get an
education, so whatever it
takes I'm going to do it,
because no one wants to
fail — no one wants to be
a failure."*

*— Minority student at a
comprehensive university*

No student enters a four-year college or university expecting to drop out or leave without graduating. Each aspires to a degree along with the sense of satisfaction, accomplishment, and career potential that accompanies it. Students' expectations and hopes are universal; their success is not.

As we described in Chapter 4, blacks' college completion rates are the lowest of any racial/ethnic group.¹ One of every three black freshmen enrolled in degree programs full-time in 1985-1986 had graduated six years later; comparable rates were 56 percent of white students and 41 percent of Hispanic students.

In the South, the gap between where the region is and where it should be in promoting minority success can be measured by the failure of southern and border states to meet the college graduation and graduate school enrollment goals developed by the federal government 17 years ago. In 1978, under the "Revised Criteria" developed in the *Adams* case, the Office for Civil Rights adopted a goal that "the proportion of [black students] who graduate from undergraduate institutions in the state system and enter graduate study or professional schools in the state system shall be at least equal to the proportion of white [students] who graduate from undergraduate institutions in the state system and enter such schools."²

None of the 12 states that we studied has come close to attaining that goal. In fact, in each of the 12, the success of minority students, as measured by persistence to the degree and graduate and postgraduate enrollment rates, is static or falling — despite the *Adams* litigation and a decade of school reform efforts. This trend threatens the development, productivity, and stability of a region that will absorb about one-half of the national increase in black population and one-third of the increase in the Hispanic population in the next decade.

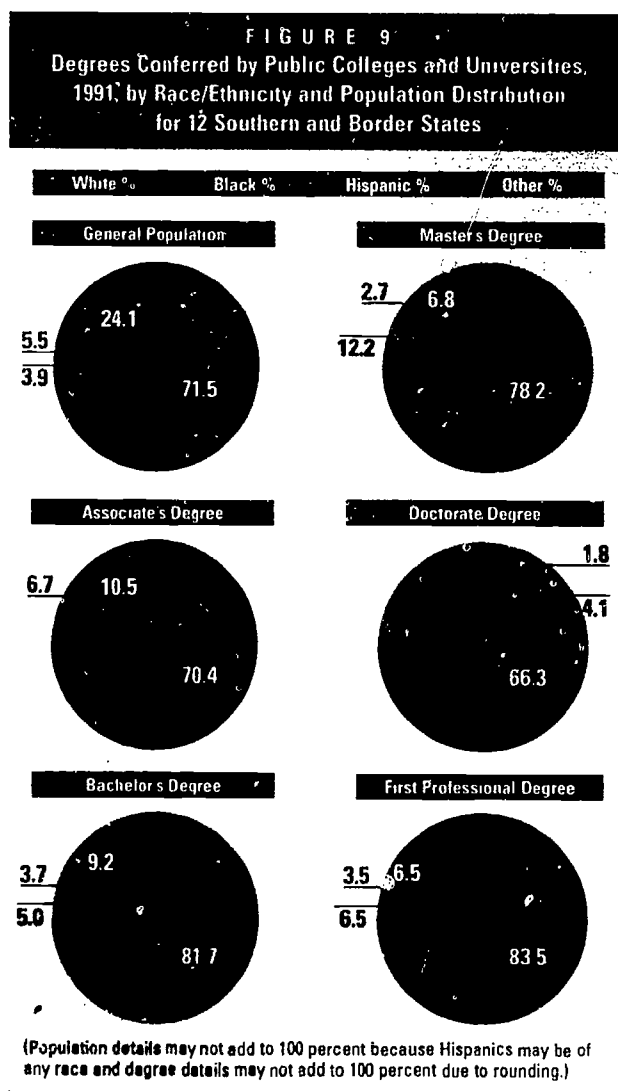
Figure 9 summarizes our findings.³ It compares the distribution of major racial and ethnic groups in the 12 states with the proportion of degrees received in these states, by degree level.

Figure 9 tells us that, on average, across the 12 states:

- Black degree attainment does not even begin to approach black population distribution.

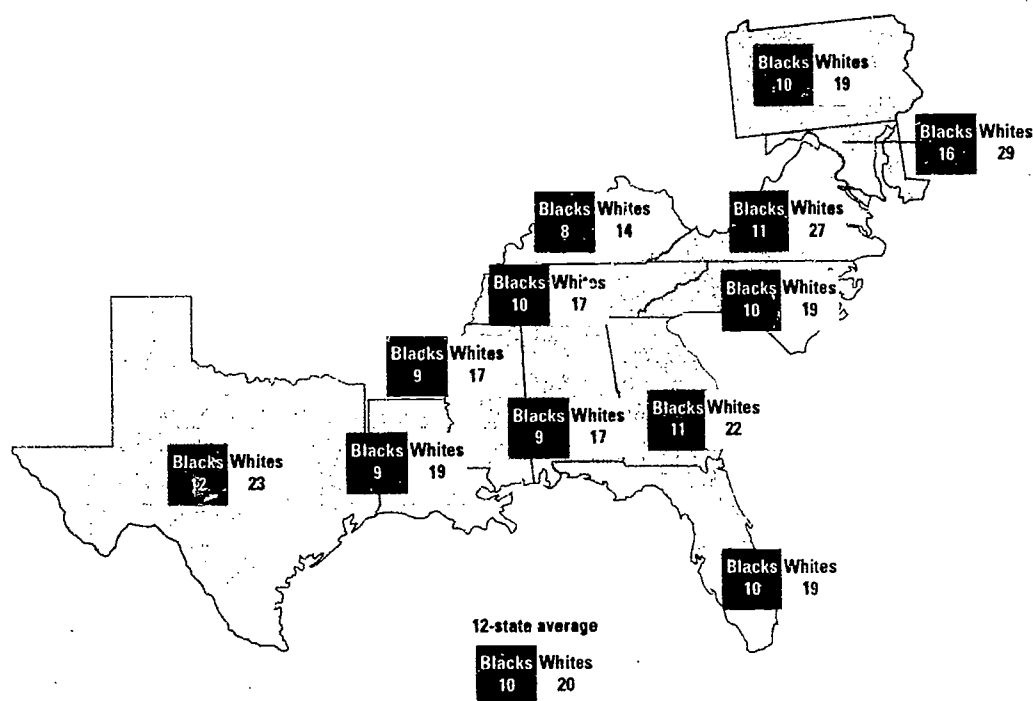
- The pattern of attainment for Hispanic students is comparable to that of blacks.
- The higher the degree level, the lower the representation of black and Hispanic degree recipients.
- White students' pattern of attainment is almost exactly the opposite of minority students'. White students are overrepresented at every degree level except the associate and doctorate — a shortfall more than compensated for by degrees in professional fields such as law and medicine.

In none of the states we looked at does black bachelor's degree attainment approach that of whites (see Figure 10).



Source: Michael T. Nettles, "Student Achievement and Success after Enrolling in Undergraduate Public Colleges and Universities in Selected Southern States."

FIGURE 10
Proportions of Adult Blacks and Whites with a Bachelor's Degree or Higher, 1990



Source: U.S. Bureau of the Census, *Education in the United States, 1990* (Washington, D.C.: U.S. Government Printing Office, 1994).

Turning this situation around requires concerted action on several fronts by state officials and higher education leaders in southern and border states. It will depend on:

- creating a more hospitable environment for minority students;
- developing more appropriate academic programs and support strategies; and
- recruiting more minority faculty and staff and providing more incentives for graduate and professional study.

A HOSPITABLE ENVIRONMENT

Our colleges and universities are far from perfect, but they have traditionally exceeded most other American institutions in terms of their tolerance of differences and respect for diversity. At least since the Civil Rights Act was enacted, many academic institutions have made efforts to increase minority enrollment. Individual professors have developed the intellectual and legal justifica-

tions that advanced minority rights, and faculties and administrations have insisted that hostile, threatening, and contemptuous behavior toward minority citizens has no place in a civilized society.

Yet somehow this commitment, expressed so forcefully to the outside, has not found a foothold on many of the campuses themselves. On this subject, anecdotes are legion, data scant. Some of our conclusions are necessarily impressionistic, but they are not at all tentative. The evidence we have of race-baiting, faculty indifference to minority students, narrow curricula, and lack of minority role models and mentors is troubling.

At our hearings, minority students testified that they often face hostility on campus and are made to feel that they are marginal members of the academic community — outsiders who do not really “belong” on the campus. We heard of frequent allegations — some repeated in a campus newspaper — that minority students were on campus only because of the existence of “preferential” scholarships or “special treatment” in the admissions process. Black students told of being stereotyped by whites as “typical black and lazy,” and a Mexican-American student reported this first exchange with her new white roommate:

New Roommate: I can't pronounce your name.
Viviana: Just call me Vivian.
Roommate: You're Mexican, aren't you?
Viviana: Yes.
Roommate: Do you carry a switchblade or anything with you?

- A recent poll reported that only one-quarter of academic administrators believe that their campuses provide a "very good" or "excellent" climate for black students.⁴
- Even fewer believe the campus climate is hospitable to Hispanic students.
- Nationally, one-fifth of all minority students at predominantly white colleges and universities report race-related verbal or physical harassment.⁵
- One in four college seniors reported that there was a "lot of racial conflict" on their campus.⁶

These findings appear against a background of numerous reports of students segregating themselves on apparently integrated campuses, a phenomenon that seems to be more common among white students than minority students.⁷ Such behavior, born too often of fear and ignorance, harms all students — and ultimately threatens to tear campuses apart.

The concept of "campus climate" is amorphous. It is highly emotional and personal. What offends one student or faculty member, majority or minority, may not trouble another. Nonetheless, we received enough testimony from minority alumni, administrators, faculty members, and students at both traditionally white and traditionally black institutions to conclude that the minority experience at too many campuses is often painful and isolating and can constitute a real, significant barrier to success.

We do not believe institutions set out to put success beyond the reach of minority students. We are, however, convinced that too few institutions actively accept the burden of removing longstanding barriers to success. Campus leaders do not satisfy their obligation to build a diverse and harmonious community simply by admitting minority students and assuming that both minority and majority will learn about each other from proximity alone. Campuses must adopt diversity as a value and structure situations in which white students and minority students — most raised and educated in racially isolated communities and schools — can come to know

and understand each other.

A hospitable climate is not something that can be created by serendipity or by occasional fragmented efforts. It must be approached in a systematic and comprehensive way and must begin in the classroom. Institutions will create a truly supportive learning environment only if they are unequivocal in their embrace of diversity and infuse that value into all campus policies and practices.

ACADEMIC AND SUPPORT STRATEGIES

The fear of not measuring up is a common anxiety among first-year college students. This almost universal apprehension is magnified many times over for minority students. Most have survived systems that told them in innumerable, subtle ways that they would never amount to much. They have heard their teachers' refrain that college demands will be more severe. They are often the first in their families, sometimes in their neighborhood, to attend college. And on predominantly white campuses, they may come into contact with the majority culture for the first time in their lives. For such students, simply arriving on campus is an act of courage; surviving is a triumph.

For minority students, some of the most dispiriting interactions with whites occur in the academic area. Minority students often feel that faculty hold lower expectations for them and are not interested in investing time in them. They resent being singled out in the classroom to provide the "minority viewpoint," instead of being recognized for the value of their ideas in all areas.

It is clear that all first-year students need academic and other supports to be successful, but poorly prepared minority first-year students need them more. That support can take many forms.

Berkeley professor Uri Treisman (now at the University of Texas at Austin) achieved extraordinary success with black first-year calculus students through the Mathematics Workshop.⁸ He started the workshop after noting that Asian students routinely excelled in calculus, a critical filter for students interested in science and engineering, while black students had the highest rates of failure — even when they arrived at Berkeley with excellent academic preparation and high SAT scores.

After an 18-month investigation, he concluded that the Asian students' success lay in their extraordinary

group study habits. These students formed what they called "study gangs" to tackle problems together and help each other out. Treisman organized similar study groups for black students who spent six hours a week working in groups on difficult calculus problems he developed. By insisting that the groups deal with tough problems and work together, Treisman succeeded in lowering failure rates among these students from 60 percent to 4 percent — and his approach is now being duplicated at many campuses across the country.

A number of experts believe that approaches which embody opportunities to work in small groups, to take advantage of small classes, and to receive intensive faculty attention and extensive academic assistance are essential to minority success on campus." Other strategies that have proven to be effective are: an early warning system to alert faculty and counselors to students who are getting into academic difficulty so as to provide timely intervention, regular faculty interaction with students, and sustained and comprehensive faculty leadership in providing academic support.

The nurturing environment that is a key to success is often present at minority institutions. We were impressed by the encouragement provided by Hispanic-serving institutions, which systematically reach out to provide disadvantaged students with necessary support. We also heard testimony from white students at predominantly black colleges who praised the climate at HBCUs and who attributed their academic success in large part to the attention they received from faculty and to a supportive campus environment." These attributes are essential to all institutions — indeed, for *all* students. But they are especially important for the large numbers of minority students who live at home and must commute to campus. Commuter campuses cannot offer many of the opportunities for support, socializing, and networking that are taken for granted at traditional residential institutions. Many commuting students also work and have little time for extracurricular activities. In these circumstances, a regular academic diet of small classes, study groups, and seminars is not simply an attractive feature of education; for first-generation non-resident students, including minority students, it is essential to their success.

New attempts to reduce costs at institutions amplify the need for personalized instruction. Many states are pressing individual campuses to make greater use of new telecommunications technologies, including video and computer technologies, as one way of reducing costs.

Appropriate use of technology can be an effective way to stretch scarce resources and to expand access, and it deserves support. We are concerned, however, that these cost-containment measures could erode the personal interactions that are so critical to genuine learning and student growth, particularly for students whose connection to the campus environment is already tenuous.

We also heard testimony indicating that student polarization on traditionally white campuses is related not only to *how* stu-

dents are taught, but also to *what* they are taught. We believe that all institutions can recognize the diverse cultural identities of those who are part of the university community and make sure that their experience is reflected in the curriculum. This view was adopted by the United States Court of Appeals in *Knight v. Alabama* when it ordered a lower court to "determine whether the curricula at the different HWIs (Historically White Institutions) are indeed deficient in the degree to which they incorporate black thought, culture, and history ... and, if so, whether by itself or in combination with other vestiges, it has a continued segregative effect on student choice."¹¹ Expanding the content of the curriculum is not only good pedagogy — it may be required by law.

"It is impossible to separate student well-being from faculty well-being because together they create the fabric of diversity that defines not only the present but the future. But if minority students see their adult counterparts disrespected, it sends a message that regardless of professional accomplishment, the institution does not value difference."

— *Minority professor at a flagship university*

MINORITY FACULTY AND STAFF

No one can doubt that the presence of minority mentors and role models on campus — faculty members and staff — plays an important role in creating a climate hospitable to minority students. However, historic dis-

FIGURE 11
Percent of Minority Faculty by State and Type of Public Institution, 1991

	Flagship Institutions			HBCUs			Community Colleges		
	Black	Hispanic	White	Black	Hispanic	White	Black	Hispanic	White
12-State Average	3	1	91	58	1	31	4	2	88
Alabama	3	0.4	92	57.5	0.5	26	13	1	87
Florida	3	2	93	64	1	29	9	5	84
Georgia	3	1	91	57	1	33	10	2	87
Kentucky	2	0.4	91	24	0	63	5	0.3	92
Louisiana	3	1	89	67	2	21	20	1	76
Maryland	5	4.9	84	58	0	35	8	1	89
Mississippi	3	1	92	65	1	19	11	0.1	89
North Carolina	3	2	92	60	1	29	9	0.3	90
Pennsylvania	2	1	89	56	0	35	4	1	94
Tennessee	4	1	92	48	0.3	44	10	0.3	89
Texas	2	3	89	76	2	12	6	9	84
Virginia	2	1	92	66	0.2	25	7	1	91

Source: Michael T. Nettles, "Minority Representation Among Public College and University Degree Recipients, Faculty and Administrators."

crimination — which kept minorities out of college and ultimately out of the nation's graduate schools — combined with historic discriminatory university hiring practices, has left us desperately short of enough minority Ph.D.'s to staff the nation's colleges and universities.

Today, at leading universities in the 12 states we examined, blacks make up between 2 and 3 percent of faculty. The University of Maryland, at 4.9 percent, is the only exception. The few minority faculty employed in these states are clustered at the assistant professor level (the entry level for tenure-track positions). The situation for Hispanic professors is little better. At institutions in Florida and Texas, the two states with the largest Hispanic populations, Hispanic faculty representation ranges from zero to 9 percent — the latter figure found in community colleges. Hispanics account for just 2 percent of tenured full professors at the University of Texas. Figure 11 indicates the percent of minority representation and faculties in the states we studied. (See also Appendix A.)

Graduate and Professional Study. The shortage of minority faculty is acute. However, even if every institution made a commitment today to equalize minority representation on its faculty and staff tomorrow, the commitment could not be fulfilled for many years to come.

Figure 12 outlines the number of Ph.D.'s received by

black and Hispanic men and women in 1991. A total of 1,641 doctorates were awarded to blacks and Hispanics in 1991, only 6.6 percent of the 24,721 doctorates awarded to American citizens in that year. More than one-third of these — and 43 percent for blacks — were awarded in the field of education. Fifty-nine percent of blacks awarded doctoral degrees in 1991 were women.

For the purposes of integrating college and university faculty, Figure 12 displays some grim arithmetic. Even if every one of these degree recipients planned an academic career, the production of the resulting 1,641 minority Ph.D. recipients a year would not nearly begin to address the need on the nation's 3,400 two- and four-year campuses. And the assumption that all degree recipients are looking to the campus is unrealistic — black and Hispanic Ph.D.'s are in high demand and have many attractive options that do not include teaching.

In the 12 states we studied, production of minority doctorates exceeded national averages but was woefully inadequate to meet the region's needs (see Figure 13).

This problem must be addressed if a genuinely hospitable climate is to be created for minority Americans on campus. The situation cannot be reversed quickly or easily — but it will never be improved unless state and academic leaders begin to make its resolution a priority.

Some states are beginning to attack the problem through partnerships with the private sector. The

FIGURE 12
Minority Ph.D. Recipients, by Field and Sex, 1991, at Public and Private Institutions

	All Fields	Physical Sciences	Engineering	Life Sciences	Social Sciences	Humanities	Education	Prof/Other
Black Men	385	27	35	38	82	40	135	28
Black Women	548	13	8	47	110	51	269	50
Total	933	40	43	85	192	91	404	78
Hispanic Men	358	65	37	53	81	50	60	12
Hispanic Women	350	15	10	44	95	60	110	16
Total	708	80	47	97	176	110	170	28
GRAND TOTAL	1641	120	90	182	368	201	574	106

Source: National Research Council, *Summary Report 1991: Doctorate Recipients from United States Universities* (Washington, D.C.: National Academy Press, 1993).

Doctoral Scholars Program, administered by the Southern Regional Education Board and developed with support from the Pew Charitable Trusts and the Ford Foundation, is a recent prominent example. Open to ethnic minority students, it provides participants with tuition and fee waivers, stipends for at least three years, and support for other expenses. The program is funded in part by participating states and particularly seeks minorities interested in science, mathematics, and engineering. As of 1994, seven of the 15 southern states served by the SREB are participating in the effort.

The McKnight Doctoral Fellowship Program, based in Florida, awards up to 25 fellowships each year for blacks to pursue doctoral studies at nine public and private higher education institutions in the state. Eligibility for the program is limited to students pursuing doctorates in "critical disciplines". The program provides an annual stipend and supplemental funds to cover portions of tuition and fees and is renewable for five years, contingent upon satisfactory progress toward a Ph.D.

PROMOTING SUCCESS AT ALL INSTITUTIONS

We looked at retention, progression, and graduation rates for undergraduate students in eight states (Florida, Georgia, Kentucky, Maryland, North Carolina, Tennessee, Texas, and Virginia). Several patterns emerged:

- With very few exceptions, the retention, progression, and graduation rates for blacks are far below their white and Hispanic counterparts both

statewide and within the same institutions.

- It is not unusual for colleges and universities of the same type (e.g., research universities, comprehensive universities, historically black colleges and universities, et al.), whether located in the same state or in different states, to have retention, progression, and graduation rates that are different from each other overall and different for white and minority students as well.

FIGURE 13
Number of Doctorates by State, 1991

	Number of Ph.D.'s			
	Blacks	Hispanics	Whites	Total*
Alabama	14	0	277	396
Florida	86	57	869	1322
Georgia	53	8	559	859
Kentucky	3	4	250	324
Louisiana	11	7	262	417
Maryland	23	3	542	838
Mississippi	22	2	249	340
North Carolina	44	6	611	872
Pennsylvania	53	33	1389	2122
Tennessee	47	5	454	641
Texas	69	68	1420	2303
Virginia	43	8	617	875
12-State Total	468	207	7499	11309

*Total includes other race and foreign students.

Source: Michael T. Nettles, "Minority Representation Among Public College and University Degree Recipients, Faculty and Administrators."

- The more selective colleges and universities appear to have the highest retention, progression, and graduation rates for both white and minority students in each of the states.
- Historically black public universities have retention, progression, and graduation rates for black students that often lag behind regional colleges and universities in the same state.¹²

All institutions must address the challenge of significantly increasing the success rates of minority students. At predominantly white institutions, we believe that part of this challenge can be met by understanding that the campus environment is often alienating for minority students and that what happens in the classroom determines in large part whether the environment is hospitable. Comprehensive approaches that seek not only to admit a diverse group of minority students but that are committed to their success need to be developed and implemented. Traditionally white institutions must be mindful of strategies that add value to students through classroom and support strategies that seek to promote success.

Historically black institutions face a different challenge. For substantial numbers of underprepared students whose academic backgrounds and experiences may have left them unready for college, HBCUs provide a nurturing, supportive environment. Yet despite this achievement, success rates at predominantly black public institutions are often not acceptable and must be improved. There are a variety of strategies that can assist HBCUs in meeting this challenge.

- HBCUs must recognize that success rates are low and develop comprehensive plans to promote success for all of their students.
- States must ensure that public HBCUs have sufficient resources to fulfill their commitment to serve underprepared students.
- State systems of higher education must relieve black institutions from bearing a disproportionate share of the burden of serving as "opportunity institutions." All institutions in the system have the responsibility to serve a diverse array of students, including those who are high achievers in high school and those who are not as well prepared.
- Public black institutions must have resources to

develop and implement high-profile programs that will attract highly qualified students of all races. Selective programs, along with added attention to underprepared students, will do much to raise success rates at HBCUs.

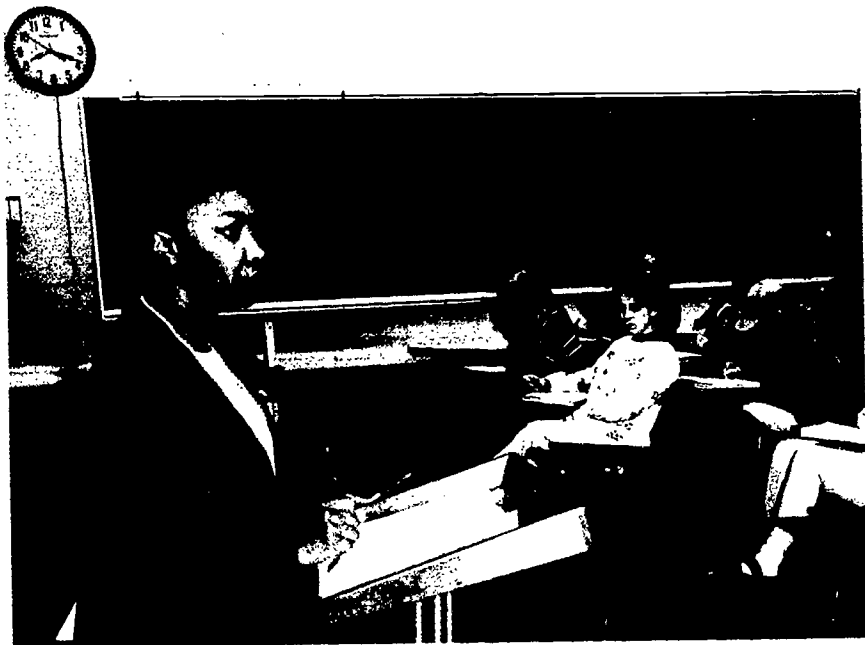
Finally, what is central to increased success rates at all institutions — flagship, regional, historically black, Hispanic-serving, and community colleges — is a system of accountability that is tied to the comprehensive approaches we have suggested above. A system of rewards and sanctions must be established that recognizes the obligation of institutions and individuals to invest in student success.

GETTING TO SUCCESS

Any serious consideration of issues involved in access and success clearly demonstrates the need for systemic, student-centered reform. The problems identified in this and the previous chapter cannot be resolved without a comprehensive attack on the entire array of disadvantages that face minority students — from preschool throughout the education pipeline: unequal preparation, an unwelcoming climate at college campuses, inadequate counseling and support, lack of minority mentors, and thus severely restricted access to graduate and professional study. None of these problems is new. Each has been the subject of major investigations for a generation or more. But we believe that a system constructed around the needs of students would have made more progress in solving these problems.

Now, the Supreme Court's decision in *Fordice* offers a new chance to create such a system. In the next chapter we present suggestions about how the Court's mandate can be met. Our recommendations can guide us from where we are today to a desegregated system that is responsive to students and committed to opportunity for all. ■

PROMOTING OPPORTUNITY



"It seems to me that systems do not change when we simply modify or fine-tune their structures. They change because of fundamental shifts — when processes and structures come to be viewed in profoundly different ways. They also change when people decide that the vision of what teaching, learning and schooling can be is more compelling than current reality."

— Former school superintendent

As the nation approaches the twenty-first century, the national imperative to develop the talents of all of our citizens has been reinforced by a constitutional mandate to desegregate higher education. Academic and political leaders have the opportunity to do the right thing because good educational practice demands it. Should they choose not to do so, they may be compelled to because the Constitution requires it.

Litigation is a costly, cumbersome, and often difficult way to resolve abiding issues that have moral roots. In the past, however, it has often been the only way to resolve these questions. We believe that the South, along with the rest of the nation, is open to new ways to pursue equal opportunity. The comprehensive solutions that we urge here can be arrived at through voluntary collaboration among many sectors. We realize, though, that the judiciary will continue to have a central role in desegregating higher education, and we thus provide, as Appendix B, a model desegregation order that incorporates many of the principles we recommend, as make guidance for judges and lawyers.

The recommendations that follow are the building blocks of desegregated systems of higher education that promote student opportunity. They lay the foundation for an educational system that is student-centered, where choice of institutions is unfettered, and success is realizable for everyone, regardless of race. Each institution in this system has a defined and separate mission, but each is linked to the others and to elementary and high schools. The institutions and the people in the system are all accountable for their performance and rewarded for results. These recommendations comprise parts of a coherent whole; each is connected to the others. For them to work effectively, they should be implemented together.

Implementing these recommendations will require increased investment in education. Higher education is part of a continuum on which we rely to develop citizens with the skills necessary to ensure a strong economy and

the values essential for active participation in a democratic society. Without sufficient investment, opportunity for many will be lost and, as a result, many more lives will continue to be wasted. It is far more prudent to invest now in our future rather than, at some later date, to pay a higher price for our neglect.

Our recommendations are, of necessity, broad and general. Although they leave no room for doubt about the direction of the road before us and of the importance of complying with constitutional standards governing desegregation, they leave the specifics of implementation to those entities best positioned to develop creative and innovative responses to the needs of students — the individual states and their institutions of higher education.

We are under no illusion that these recommendations will be easy to implement. Tradition, self-interest, and fear are obstacles to success. Yet our recommendations incorporate the promise of a system of colleges that are effective and inclusive. Those who find the courage to make these recommendations real will seize a leadership role for the nation as it struggles to sever the enduring connection between race and education and to fulfill the promise of equal opportunity.

RECOMMENDATION ONE

ADDRESS THE SYSTEMIC NATURE OF THE PROBLEM: CREATE COMPREHENSIVE STATE PLANS

- **Every state which formerly operated a dual system of higher education should develop a long-term plan containing comprehensive and coordinated remedies that effectively treat public schools and higher education as one system.**
- **As the first step in this effort, governors should convene every state agency and instrumentality responsible for the development, funding, and implementation of public policies in education and related areas to determine how best to eliminate the vestiges of segregation and advance educational opportunity.**

State officials must take the lead in developing systemic plans detailing how the state intends to eliminate vestiges of discrimination. As we stress throughout this report, states must recognize explicitly the relationship between minority access to, and success in, higher education and student experience in public schools. Plans

must take up the critical issues identified in this report: school finance, tracking, and inappropriate admissions policies. States should work to discard or limit tracking, improve counseling for students and parents in middle schools, implement programs to orient secondary school students to life on college campuses, and provide special support to help minority students with test-coaching courses and tutoring (some states — North Carolina and, to a lesser extent, Georgia — are considering aspects of this approach). To be successful, state plans must address transitions at every important point in the education pipeline, from early childhood through post-doctoral study.

Only such a comprehensive, systematic examination of how well schools and institutions respond to a wide array of student needs holds out any hope of breaking the traditions, habits, and mind-sets of the institutions that have for so long caused the needs of minority students to be served so poorly.

We believe that the *Revised Criteria* developed by HEW in the *Adams* litigation are a strategic beginning in developing effective state plans. The Office for Civil Rights in the Department of Education has stated that it will continue to use these criteria in determining if states are complying with *Fordice*; they are set forth on page 12.

Meeting these criteria depends not only on vigorous efforts at colleges and universities, it requires continuous interaction between those institutions and elementary and high schools. These interactions must be mandated and systematized by state policies. These policies should enable public school officials to assess what they consider to be the barriers to minority student access to and success at college, while at the same time allowing higher education leaders to comment on problems in public school preparation, as they understand them, and to propose remedies.

Every state agency with any responsibility for any aspect of education from pre-kindergarten through post-secondary should be engaged in this effort. This includes agencies responsible for public school curricula and standards, and school health and nutrition programs, as well as representatives of postsecondary governing boards. Working groups of representatives from all agencies should help develop the plans, reach consensus on remedies for the problems identified in this report, and oversee the implementation of solutions.

As part of this effort, each state plan should estab-

lish principles and policies governing the restructuring of institutions to eliminate vestiges of segregation and provide opportunity. To do so, state plans should prescribe how institutions will relate to each other, articulating clear and differentiated statements of institutional mission and clear expectations about results. This restructuring activity and redefinition of missions should include: exploring the allocation of land-grant funding, examining program duplication, and analyzing the contributions of community colleges, all four-year institutions, historically black institutions, and flagship universities in advancing educational opportunity. Some of the activity can be implemented administratively; other parts of the plan will require legislative approval.

No plan can be effective without accountability. The plan should provide for systemwide and institutional performance reviews and a system of rewards and sanctions for meeting goals and timetables.

Finally, we note that the ultimate effectiveness of the desegregation planning process itself, and implementation of the plan, must have public acceptance. State officials should require that the plan provide for annual independent review by external groups of experts and citizens, appropriately staffed and supported. The business community can play an important role in promoting higher education reform by serving on and staffing these groups; such involvement will continue the tradition of business leadership in education improvement that characterized the South in the 1980s.

RECOMMENDATION TWO

MAKE CAMPUSES RESPONSIBLE: DEVELOP INSTITUTIONAL PLANS

- Each public institution of higher education should be required to develop its own plan outlining how it proposes to promote minority access and success.

Elected leaders can develop a vision for the state's future. State officials can produce the plans promising to transform that vision into reality. But unless institutions commit themselves to promoting opportunity and choice, those promises count for little.

Within the context of the mission statements and commitments made in the state plan, each public institution should be required to develop concrete plans to increase access and success. What does the institution

understand its responsibilities in each of these areas to be? How satisfied is it with its progress? Who is responsible for moving it forward? What problems hold the institution back? What needs to be put in place? Who needs to be involved? How is success in meeting goals rewarded and failure penalized? These are issues for institutions to decide. Efforts to resolve them must include the president and trustees, and should stress ongoing faculty involvement in all aspects of the planning process.

Institutional plans should specify how the *Adams* criteria will be met, and who will have responsibility for meeting them. These *Adams* criteria, after all, were promises made decades ago by institutions and states that have yet to be kept.

Among the efforts institutions should be prepared to mount in order to make these promises real are the following: Supplemental academic preparation for minority students wishing to attend college (after-school, Saturday, and summer programs); intensive efforts to improve the quality of the preparation of teachers for predominantly minority schools; new teacher training programs that focus on high content standards; new forms of assessment; and "grow your own" faculty development programs — i.e., intensive academic and financial support for minority bachelor's and master's degree recipients to help them complete doctoral study. Many institutions have developed and are implementing some of these approaches. Their challenge is to connect these programs to a comprehensive plan that flows out of the institutional mission and rewards those responsible for meeting its objectives.

The next two recommendations outline specific institutional responsibilities for expanding student access and promoting success.

RECOMMENDATION THREE

PROVIDE A FAIR START: MAKE ACCESS AN INSTITUTIONAL MISSION

- **All colleges and universities in the state system should adopt policies and practices that will expand access to high-quality education for more minority students and promote opportunity.**

As the Supreme Court noted in *Fordice*, public institutions were created and exist for the benefit of all citizens. Improving minority access is at least as important for flagship and comprehensive universities as it is for historically black and Hispanic-serving institutions.

The data that we presented earlier described how minority access to higher education is skewed away from flagships and to minority-serving institutions and community colleges. No higher education system will meet *Fordice* mandates unless minority undergraduates have access to the full range of campuses. We are not advocating racial balance — a state system in which all public institutions enroll the same percentage of minority students. We are convinced, however, that the system's flagship university — the research institution for which federal and state funds provide the richest course offerings and the broadest range of choices in the system — should be mandated by the state plan to achieve a minority student enrollment that is at least equal to the minority representation of high school graduates. The flagship university, in its institutional plan, should accept this challenge and indicate how it will be met.

Traditionally white colleges and universities must focus on significantly increasing access for minority students. We question whether any institution can plausibly claim to be great if every year it budgets — as so many do — far more money to recruit a handful of scholarship athletes than it does to recruit minority students.

Recruiting to meet enrollment goals is an important aspect of expanding access at all institutions. Just as clearly, admissions procedures need serious examination.

- Test results alone should never be a bar to admission to any institution.
- Minimum admissions test scores, even considered in combination with high school grade point averages or rank in class, should always be justified by the institution's experience with student performance and should be regularly reviewed.
- Alternative admissions procedures should be tried, e.g., heavier weighting of high school grade point averages and more demanding high school course work, indices based on socioeconomic background, automatic admissions for minimum grade point averages, or evidence of motivation and leadership.

Access is not the enemy of excellence. Access to an education of low quality is of no value to anyone. However, the concept of excellence in higher education needs to be expanded beyond the traditional emphasis on the credentials of the entering student. New emphasis should be placed on the talent developed and the value added by the academic experience.

RECOMMENDATION FOUR

LEVEL THE PLAYING FIELD: MAKE SUCCESS A CORE INSTITUTIONAL RESPONSIBILITY

- **States and institutions should declare their commitment to success for all students and then work relentlessly to ensure it.**

Higher education has been even less effective in promoting minority student success in college than it has been in providing access. Progress, as we noted earlier, depends on leveling the playing field — making the academic environment at traditionally white institutions more hospitable for minority students, creating appropriate academic support strategies, and developing more minority faculty and staff to be role models and mentors on campus — as historically black institutions and Hispanic-serving institutions have managed to do. Obstacles to student success will not be overcome unless states and institutions take them seriously, address them squarely, and work assiduously to remove them.

The institutional plans must contain strategies to increase student success. Plans should be developed with the participation of the entire campus community, not in isolation in a special “minority concerns” office. They should define goals, establish timelines, and provide for periodic monitoring and for rewards and sanctions tied to meeting objectives.

We believe that several strategies offer the greatest promise:

- **Environment:** Student and faculty workshops exploring race, diversity, and cultural identity; integration of course materials about minority culture into the entire range of the curriculum; and more work-study opportunities on campus to help minority students solidify their connection to the institution.
- **Support Strategies:** Small, interactive, group learning experiences, particularly in the first year; student support groups which enable students to assist one another; assignment of upper-class and graduate students and faculty members as allies and mentors; “early alert” systems to identify students in academic trouble; compensatory programs as needed, both before and during the academic year; and comprehensive support and counseling plans for minority students.

- **Minority Faculty:** Specific plans to attract junior minority faculty to tenure-track appointments; “grow your own” faculty programs which provide financial support for minority students in return for a commitment to teach for several years; linkages with national and regional efforts to increase minority Ph.D.’s; credit toward tenure for junior minority faculty for the inordinate time spent as mentors and on campus committees, and release time for research to maintain their intellectual position in the academic mainstream; and part-time faculty appointments for minority non-academics who can bring new perspectives to the campus.
- **Graduate Study:** State and institutional goals for minority bachelor’s degree holders to enter graduate or professional school; establishment of statewide consortia to support minority graduate study; minority-specific graduate fellowships and assistantships; early identification and encouragement of undergraduates to pursue graduate study; and explicit plans by research universities on access and persistence to increase minority enrollment and success.

We are convinced that all of these remedies respond to the *Fordice* mandate to eliminate vestiges of segregation, that each of them is justified by sound educational practice and is within the capacity of institutions to undertake, and that all of them must be pursued as part of a coherent plan, with each element relating to the others. Because problems of minority student success will not yield to piecemeal efforts, lukewarm measures, or half-hearted support, the strategies that are outlined above must trigger rewards and sanctions that are tied to results. Developing programs alone will not suffice. There must be incentives to use them, regular assessments of their impact, and a willingness to make decisions and commitments based on a review of results.

RECOMMENDATION FIVE

STRENGTHEN THE SYSTEM: MAKE COMMUNITY COLLEGES FULL PARTNERS IN HIGHER EDUCATION

- **State and institutional plans should promote easy transfer between two- and four-year institutions.**

Community colleges have played a major role in

higher education for the last generation. This is particularly true for minority students, who have been disproportionately dependent on them. States must ensure that students who wish to use these institutions as a gateway to four-year degrees have a fair chance to do so. We understand that state systems of community colleges differ — some are highly centralized; some very decentralized. Other systems are overseen by an independent state board while their neighbors report to the state university. Some community colleges enroll large numbers of students interested in transferring to four-year programs, while the enrollment at others is made up, overwhelmingly, of students in short-term technical training programs.

American higher education has been, for the most part, unable to deal constructively with the academic implications of the relatively recent development of the community college. Two-year colleges now enroll about 45 percent of all undergraduate students nationwide.

Transfer from a community college to four-year institutions is generally acknowledged to be awkward, difficult, and needlessly complex. Credits from two-year institutions, accumulated by students at great expense and effort, are routinely discarded. Articulation agreements between two- and four-year institutions often mean little.

We see no reason why every state cannot duplicate the efforts of Florida, Mississippi, and a handful of other states: leaders of two- and four-year colleges have agreed to statewide compacts under which liberal arts “general education” requirements completed at two-year institutions are accepted as meeting, in full, the “general education” requirements at any four-year public institution. These agreements look to collaboration to ensure systemwide access and should be emulated elsewhere.

We recommend much greater use of the “dual admissions” model, under which students can be simultaneously accepted for admission to a community college and a four-year institution with the understanding that, if the student enrolls and successfully completes certain courses at the community college, he or she is guaranteed automatic admission to the four-year institution. Virginia has had success in implementing this model through agreements between Northern Virginia Community College and George Mason University.

Finally, despite their many differences, community colleges appear to have much in common. We believe that most state plans should:

- thoroughly analyze the role community colleges can play in linking high schools to four-year colleges and consider how best to facilitate these connections;
- provide additional resources to community colleges to support special academic programs for minority students and facilitate their transfer to four-year campuses, e.g., appropriate compensatory programs, advising, and career planning;
- base funding of community colleges in part on their success in facilitating transfers to four-year institutions;
- mandate collaboration between faculty at four-year institutions and community colleges in developing standards that ensure that community college students are properly prepared to make the transition from two- to four-year institutions; and
- establish clear policies governing the transfer of credits so that community college students meeting transfer standards (e.g., a specified grade point average) can know with certainty which credits will transfer and which will not.

RECOMMENDATION SIX

BE CLEAR ABOUT ACCOMPLISHMENTS: MEASURE SUCCESS AND FAILURE

- **States should develop accountability measures keyed to the missions of individual institutions, as well as to indicators of progress toward institutional and statewide desegregation goals.**
- **All elements of higher education governance — from state boards to faculty and administrations at individual institutions — must be accountable for promoting real progress in desegregation.**

Even with a state's assurance that it is committed to desegregation as defined in this document, how will courts, the public, and legislative bodies know if the state is making good on its promises? Indicators to measure access, choice, and success should be established annually for each institution. These indicators should measure progress toward meeting the goals established by the *Adams* criteria for each institution.

Ideally, accountability plans should include financial incentives to encourage institutional commitment to

agreed-upon goals. One technique that has been effective on some campuses involves reserving vacant faculty positions in a central pool until campus administrators are convinced that individual departments have made every effort to ensure quality and diversity on the faculties. Officials can put some real teeth into accountability procedures by making additional funds or programs conditional on institutions' success in meeting their goals of access and success. What applies to institutions should also apply to individuals; they too should be accountable for results. Incentives tied to meeting goals should be provided for faculty and administrators. These can include financial rewards, promotions, and recognition devices.

The complexity of academic governance magnifies the difficulties inherent in accountability. Governors make budgets. Legislators approve them. In some states, statewide governing boards wield broad policy authority. In others, governing boards are largely advisory. Some campus chief executive officers report to state officials. Others operate independently of them. On every campus, the faculty wields more authority over central academic matters such as curriculum, course content, academic credit, and tenure than do deans, vice presidents, presidents, or chancellors. We realize that multiple systems, diffuse authority, and a tradition of independence can limit accountability. This is all the more reason for leaders — elected, appointed, and academic — to emphasize and demonstrate continually the importance of minority access and success to the system and to the futures of individual faculty and administrators in that system.

Finally, if state officials are truly to create an accountable system, they must create governance structures more interested in accountability to the broad general public than in norms of academic respectability and prestige inherited from an earlier era when access to the campus was mainly the privilege of the children of the affluent — whether capable, mediocre, or totally unqualified.

We do not believe that there is a single governance model, applicable generally to all the affected states, that will effectively promote desegregation and opportunity. Each state is different, with differing pressure points for change. Governing bodies are subject to different influences, and governors' control of higher education policy boards varies. In most states, however, legislative pressures — through budget and oversight — can directly affect board policies. And while we believe that minori-

ty representation in the governance structure is crucial, it is only one step toward influencing policy and practice in a complex system. We recognize, for example, that while "token" minority representation on higher education boards may appear to show sensitivity to minority issues, the effectiveness of such representation depends on the political culture of the boards.

RECOMMENDATION SEVEN

ADVANCE ACCESS AND ENHANCE SUCCESS: SUPPORT HISTORICALLY BLACK INSTITUTIONS

- States should take advantage of the capacity of historically black institutions to advance access and equity.
- States should enhance these institutions to promote desegregation.

Historically black institutions are, and will continue to be, essential to ensuring access and opportunity. We consider it critical that states strengthen these institutions by providing them with sufficient resources to meet the special needs of the students they serve and enable them to serve new and expanded constituencies.

Enhancing HBCUs to promote desegregation is sound educational practice. Providing HBCUs with additional resources will enable them to educate better the disadvantaged students that make up a large part of their enrollment and will make them more attractive to other-race students. In effect, enhancing historically black colleges and universities makes them more attractive to all students and allows them to be equal players in the system. For despite the acknowledged excellence of specific programs at some HBCUs, white enrollment in these institutions, outside of a very few areas, remains little more than token. Increasing the number of attractive programs offered at HBCUs is a way to attain a more diverse student body. Another strategy that can be employed simultaneously and that was ordered by the federal district court in *Ayers v. Fordice* is the provision of minority-race scholarships to encourage whites to attend HBCUs.¹

Although the specific resources required are likely to vary from institution to institution, as a general matter, historically black public institutions appear to need support for upgrading facilities, renewing laboratories and adding new technologies, strengthening programs, col-

laborating with schools to improve the preparation of applicants, attracting and supporting faculty, improving management systems, and supporting the supplementary compensatory instruction, counseling, and tutoring many entering first-year students require. We believe that vestiges of segregation cannot be fully eliminated without resources and support for efforts such as these. And we emphasize that the need to support minority-serving institutions is not limited to HBCUs. Hispanic-serving institutions have similar missions and suffer from some of the same neglect that has historically affected HBCUs. They too require adequate resources to meet their growing responsibilities.

Enhancement strategies should also be programmatic. These strategies should embrace the possibility of creating high-profile, high-demand programs, including high technology and business development efforts as well as research programs, at historically black institutions. The basic purpose of these efforts is to make these important institutions full partners in a desegregated state system. Because HBCUs are effective access institutions, and are well-regarded for their nurturing climate, they have much to teach other institutions. Their role as a resource for the system should not be ignored.

Finally, in a single system, all institutions will have to meet the same accountability criteria. Historically black colleges and universities are likely in the foreseeable future to continue to admit many poorly prepared, low-income, minority students. We have called on traditionally white institutions to improve the success rates of such students. We call on historically black institutions to do no less, and ask that the state provide sufficient resources to all institutions to enable them to meet this challenge.

RECOMMENDATION EIGHT

BUILD ON STRENGTH:

RESTRUCTURE SYSTEMS RATHER THAN CLOSE OR MERGE INSTITUTIONS

- **In creating nonracial systems, states should transform institutions through new mission statements, creative program assignments, and enhanced institutional cooperation, avoiding the closure of HBCUs, and merging or consolidating institutions only as a last resort.**

As Justice Thomas wrote in his concurring opinion in *U.S. v. Fordice*, "it would be ironic, to say the least, if

the institutions that sustained blacks during segregation were themselves destroyed in an effort to combat its vestiges."² As we have discussed earlier, both historically black and traditionally white institutions are vestiges of *de jure* segregation.

Since the decision in *Fordice*, some state officials, in attempting to comply with the Supreme Court's decision, have taken the Court's admonition to consider all possible remedies, including closure, as an invitation to close some HBCUs. Some states have approached the duty to desegregate by identifying historically black institutions as the major vestiges of segregation that they wish to recognize and eradicate. We disagree categorically. To close any public institution of higher education at a time when we need adequate capacity to serve growing numbers of students who wish to attend college is counterproductive.

Closing HBCUs is not an acceptable remedy to promote desegregation, especially in the absence of reasonable alternatives that provide meaningful access and opportunity. Desegregation remedies should not damage minority students who have already paid a heavy price for past discrimination.

We believe that historically black colleges and universities have an important role to play in a comprehensive educational system and suggest, as alternatives to campus closure, that state officials consider the following as part of their restructuring efforts:

- creating centers of excellence at different campuses by combining existing programs and distributing them fairly among HBCUs and TWIs;
- establishing new and specialized programs on specific campuses;
- encouraging free exchange of students and faculty among proximate campuses, and providing for cross-campus and multi-campus course enrollment; and
- enhancing HBCUs to promote desegregation (see Recommendation Seven).

Merger should be a remedy of last resort. We looked at mergers that were undertaken for reasons other than desegregation, and were impressed with how difficult it is to merge higher education institutions that have different faculties, histories, and cultures. In the process, something valuable is always lost.

Mergers that involve desegregating faculties and stu-

dent bodies, and not just governing boards, can involve wrenching dislocation. This is apparent from the one instance when merger has been used to effect higher education desegregation. Blacks successfully sued to prevent the upgrading of the historically white Nashville campus of the University of Tennessee (UT-N), claiming that it would inhibit the enhancement and desegregation of the historically black Tennessee State University (TSU). A federal court ordered the merger of the UT-N into TSU, which was mandated to reach a 50 percent white undergraduate enrollment and a 50 percent white administrative cohort within 15 years. Neither these goals nor other desegregation goals for higher education in middle Tennessee have been reached, although TSU, with a white student enrollment of more than 20 percent, has the second-highest white enrollment among the HBCUs in the 12 states we studied. Meanwhile, the litigation, already two decades old, continues.

We realize, though, that courts and/or policymakers may determine that merger is the most desirable remedy. In such instances, they must ensure that the stake of minority students, faculty, and employees is protected. We urge that merger be utilized only when a demonstrably strengthened historically black institution is the survivor or when the merger is part of systemic reform that conforms to all of the following principles:

- It eliminates programmatic duplication based on race.
- There are no compelling educational reasons for the existence of two institutions in the same geographical area.
- The resources saved as the result of the merger will be used to benefit the educational programs of the merged institution.
- Minority access to the surviving institution will be at the same level as or greater than that presently provided by either of the merged institutions.

Well thought-out, systemic restructuring should preclude merging colleges and universities. Differentiated mission assignments and strategic placement of programs should effectively define distinct roles for institutions, even those that are located near one another.

RECOMMENDATION NINE

SHARE RESPONSIBILITY FOR EFFECTIVE DESEGREGATION: PROMOTE LEADERSHIP FROM BOTH THE PUBLIC AND PRIVATE SECTORS

- **Desegregation and the provision of opportunity are not exclusively the province of educators — they require collaborative leadership from all sectors.**

Much of this report speaks to the responsibility of states to devise and implement comprehensive approaches to desegregation. We wish to emphasize, however, that the role of all sectors of government in ensuring opportunity remains crucial. The commitment to equal opportunity involves more than the judiciary — it requires active leadership by elected officials and their appointees.

Vigorous federal enforcement of *Fordice*, including active monitoring of state plans, is a powerful force for ensuring state-based reform. This leadership is critical — the threat of litigation and enforcement continues to spur state change. We are pleased to note the strong commitment of both the Department of Justice and the Office for Civil Rights at the Department of Education in attempting to resolve issues presented by *Fordice*. Rigorous civil rights enforcement, which at one time defined the federal role, is crucial. It is no coincidence that state commitments in the South to solve issues related to the desegregation of public higher education waned markedly in the mid-1980s when the federal government signalled that it was no longer as interested in the issue as it had been in the past. Just a few years later, federal courts ended the *Adams* litigation.

The federal role must go beyond enforcement. As we conducted our investigation, we were continually hampered and dismayed by the lack of uniform, reliable data on the status of minorities in higher education. The states have very little of the information that is required to assess thoroughly their progress in desegregation. Furthermore, comparisons between states are made difficult by the lack of uniform criteria among them. The federal role in defining common data terms and coordinating data collection around common definitions cannot be overemphasized. The federal government must not only define but support, through funding and tech-

nical assistance, uniform data collection by the states.

We realize that we write at a time of retrenchment in federal investments in equity. But if we are to realize full desegregation, we believe that the federal government must provide adequate financial aid and continue to fund minority scholarships and graduate and professional fellowships (see Recommendation Ten). This obligation is not only moral, we also believe that it is closely tied to the economic self-interest of the nation.

Enlightened self-interest motivated southern states to invest in education reform in the 1980s. Today, however, many of these states are severely limiting their support for education, particularly higher education. Improving education is not an isolated event, it is a dynamic process. We urge that states in the region maintain their investments in and support of education.

The responsibility of governors and legislators remains central. Our recommendations speak to the need for effective statewide responses to the *Fordice* mandate. They call for nothing less than the design, implementation, monitoring, and accountability of comprehensive desegregation strategies from pre-kindergarten through graduate and professional education. Elected officials in the states must exercise the authority required to develop and implement the necessary changes. The growing number of minority legislators, and the increasing authority that they are assuming, are important assets to the kinds of reform that we urge.

The private sector role here must not be overlooked. The South led the nation in implementing elementary and secondary education reform because knowledgeable business leaders understood that the future of the region was inextricably intertwined with the strength of its elementary and secondary education. The same is true of higher education. As jobs become more complex, requiring highly technical skills, and the economy becomes more global, this region, which is increasingly looking outward to international markets, will need the best-educated work force imaginable. This work force will be drawn from a pool that is increasingly made up of minorities. Thus, it is in everyone's interest to develop an effective educational system that can produce highly qualified workers, regardless of their race.

The private sector is not limited to business. The role of private, nonprofit organizations is extremely important in realizing equity in education. This sector — individuals, organizations, foundations, and public-

interest law firms — has helped to drive the engine of change in the region. It will continue to have a vital role in exposing and documenting the continuing vestiges of *de jure* segregation, identifying new forms of segregation and discrimination, monitoring statewide plans developed pursuant to court orders and governors' initiatives, engaging in statewide advocacy leading to the refinement of plans, litigating to challenge patterns of discrimination in elementary and secondary education, correcting inequities in states' financing of public schools, and defending reforms that are under way in postsecondary education.

All of the foregoing actors play major roles in realizing an opportunity-driven vision of public higher education. Yet their contributions, as crucial as they are, do not equal the responsibilities of the women and men who lead our schools, colleges, and universities. They have the greatest responsibility to ensure that the tradition that they have inherited — a belief that education, knowledge, and learning are powerfully bound to freedom, justice, and democracy — endures. It is to them that we look for the strongest leadership.

RECOMMENDATION TEN

MAKE PROMISES REAL: INVEST IN REFORM

- **States and the federal government must make good on their commitments to students and families by financing the promises they have made.**

Our recommendations seek transformed systems of higher education. We are aware that the comprehensive change they promote is not cost-free and that they are offered against a backdrop of unusual financial stress at the federal, state, local, and institutional levels. Providing opportunity to all students is a significant investment in our future; it should be our highest priority.

We are convinced that the nation faces a choice: to absorb the comparatively modest costs of these reforms today, or, in the future, to pay the far more serious price associated with ignoring these national imperatives. We are convinced that the interests of society demand that we make these investments and that the short-term costs will be more than repaid by the long-term benefits. The investment we call for is an investment in people, and it is one that goes to the core of the nation's future.

Moreover, promises have been made and they have

not been kept. There is really no reason to believe that they cannot be kept. To ensure that they are, we offer the following:

First, states should at last commit themselves to ensuring equity in expenditures among school districts by the turn of the century and take bold approaches to securing it. School finance reform is always politically difficult and does not present easy choices. Nevertheless, assertive leaders must take new steps to resolve this issue.

Second, states should reexamine their "capitation" (headcount) formulas for financing higher education to reflect the additional expenses in educating poorly prepared, low-income students. Several states recognize a similar reality in school finance formulas and routinely supplement per-student grants to reimburse school districts for the additional costs involved with educating particular students, such as those with disabilities or from economically disadvantaged or non-English-speaking backgrounds. There is good reason to recommend a similar approach to higher education capitation funding.

Third, the federal government should provide modest demonstration funding and technical assistance to those states willing to tackle school finance reform.

Fourth, Congress should fully fund the vital Pell Grant program. In addition, we believe there is merit to testing the idea that grants are most effectively used in the first two years of college. Having successfully completed two years, low-income students may be encouraged to assume loans to get them through the final two.

Fifth, although colleges and universities are strapped for funds, most have also made choices according to

inherited tradition about how to use existing funds. We believe that prudent, even modest, fund re-allocation within existing budgets will provide a substantial reserve for advancing minority access to campus and success once enrolled.

CONCLUSION

The foregoing recommendations are strategic elements of a comprehensive approach to desegregating higher education that emphasizes student interests. This approach stresses the importance of accountability in engendering real reform, and it underscores the need for sustained involvement by federal and state governments, the courts, educators, and private citizens in fostering comprehensive change. These recommendations are but a beginning — a new starting point in the continuing quest for equity in education. The realization of equity requires a commitment from all who would embrace a vision of America that is defined by possibilities rather than limited by the past.

Promises without commitments are hollow things. The promise of desegregation without a commitment to opportunity is an empty one. In this document, we have detailed what is required of the South — and the nation — to keep the promise of equality of opportunity. That promise cannot be kept until the issues examined in this document have been addressed, not as a matter of expediency, or even of law, but as a matter of fidelity to America's definition of itself. ■

ENDNOTES

CHAPTER 1 Miles to Go

1. Walter Allen and Joseph D. Jewell, "African American Education," *Daedalus*, Winter 1995, 82.
2. *Ibid.*, 84.
3. The 12 states surveyed by the Panel were: Alabama, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Pennsylvania, Tennessee, Texas, and Virginia. Detailed profiles on minorities in higher education are provided for each of these states in Appendix A.
4. Southern Regional Education Board, unpublished data tabulations based on data from The National Center for Education Statistics.
5. Michael T. Nettles, "Minority Student Access to Public Undergraduate Colleges and Universities in Selected Southern States" (Paper commissioned by the Panel on Educational Opportunity and Postsecondary Desegregation, completed February 17, 1994), 10-12.
6. *Ibid.*, 19-20.
7. *Ibid.*, 10-12, and Michael T. Nettles, "Minority Representation Among Public College and University Degree Recipients, Faculty and Administrators" (Paper commissioned by the Panel on Educational Opportunity and Postsecondary Desegregation, completed March 25, 1994), 3-4, 17-29, and 30.
8. Nettles, "Minority Student Access."
9. U.S. Bureau of the Census, *Education in the United States, 1990* (Washington, D.C.: U.S. Government Printing Office, 1994).
10. National Collegiate Athletic Association, *NCAA Division I Graduation Rates Reports, 1992-1993* (Overland Park, Kans., 1993), 608.
11. Nettles, "Minority Representation," 3-4, 17-29, and 30.
12. *Ibid.*, 2.
13. U.S. Bureau of the Census, *Education in the United States, 1990* (Washington, D.C.: U.S. Government Printing Office, 1994).
14. Sylvia Hurtado, Eric Dey, and Jesus Trevino, "Exclusion or Self-Segregation? Interaction Across Racial/Ethnic Groups on College Campuses" (Paper presented at the annual meeting of the American Education Research Association, New Orleans, La., April 1994), 16.
15. *Ibid.*
16. *Ibid.*
17. Business-Higher Education Forum, *Three Realities: Minority Life in the United States* (Washington, D.C.: American Council on Education, 1990).
18. Maya Angelou, *On the Pulse of Morning* (Poem read at the Inauguration of President William Jefferson Clinton, January 20, 1993).

CHAPTER 2 The Legal Context

1. 347 U.S. 483.
2. 112 S. Ct. 273.
3. Gil Kujovich, "Equal Opportunity in Higher Education and the Black Public College: The Era of Separate but Equal," *Minnesota Law Review* 72 (1987): 29-170.
4. 339 U.S. 629 (1950).
5. Michael T. Nettles and A. R. Thoeny, eds., *Toward Black Undergraduate Student Equality in American Higher Education* (Westport, Conn.: Greenwood Press, 1988).
6. 347 U.S. 483.
7. *Green v. County School Board*, 391 U.S. 430 (1968).
8. *Board of Education of Oklahoma City v. Dowell*, 498

- U.S. 237 (1991); *Freeman v. Pitts*, 112 S. Ct. 1430 (1992).
9. *Adams v. Richardson*, 356 F. Supp. 92 (D.D.C. 1973) *aff'd*, 480 F.2d 1159 (D.C. Cir. 1973).
 10. Office for Civil Rights, Department of Health, Education, and Welfare, "Revised Criteria Specifying the Ingredients of Acceptable Plans to Desegregate State Systems of Public Higher Education," *Federal Register* 43, no. 32 (February 15, 1978), 6658-6664.
 11. *Ayers v. Allain*, 674 F. Supp. 1523, 1551 (N.D. Miss., 1987).
 12. *Ibid.*, 1564.
 13. 914 F.2d 676 (5th Cir., 1990) (*en banc*).
 14. 111 S. Ct. 1579.
 15. 112 S. Ct. 2736.
 16. *Ibid.*, 2736 (emphasis added).
 17. *Ibid.*
 18. *Ibid.*, 2738.
 19. *Ibid.*, 2737.
 20. 112 S. Ct. 2743.
 21. 112 S. Ct. 2735 (emphasis added).
 22. See also *Notice of Application of Supreme Court Decision*, 59 F.R. 4271-02 (January 31, 1994) ("Notice of Application").
 23. 112 S. Ct. 2741. See also *Notice of Application*.
 24. See *Ayers v. Fordice*, slip. op. No. 4:75 CV009-B-O (N.D. Miss., March 7, 1995); *Knight v. Alabama*, 14 F.3d 1534 (11th Cir. 1994); *United States v. Louisiana*, C.A. No. 80-3300-A.
 25. *Ibid.*, 2737.
 26. 14 F.3d 1534 (11th Cir. 1994).
 27. *Ibid.*, 2743.
 28. *Ibid.*, 2734.
 29. See, e.g., *Milliken v. Bradley*, 433 U.S. 267 (1977); *Freeman v. Pitts*, 112 S. Ct. 1430 (1992).
 30. Slip. op., 175.
 31. *Ibid.*, 2744.
 32. *Ibid.*, 2736.
 33. A recent decision of the Fourth Circuit Court of Appeals, however, is an important reminder that race-conscious scholarships must be narrowly tailored to remedy past discrimination or to promoting diversity on campus. See *Podberesky v. Kirwan*, 38 F.3d 147 (4th Cir. 1994). In this decision the appeals court was openly hostile to a University of Maryland minority scholarship program, in part because the court concluded the program was not designed carefully enough to serve its stated remedial purposes. On the other hand, federal guidelines issued by the Department of Education last year make clear that minority scholarships that are appropriately designed are an acceptable tool for remedying past discrimination or promoting diversity. *Final Policy Guidance by the U.S. Department of Education*, 59 Fed. Reg. 8756 (February 23, 1994). Because of the controversy in the area of minority scholarships, states or institutions considering such aid programs, or other race-conscious remedies, must design them carefully to promote legitimate objectives without inviting the type of reverse discrimination argument accepted by the Fourth Circuit in *Podberesky*.
 34. C.A. No. 80-3300-A.

CHAPTER 3 Building a New System

1. Charles V. Willie, "Black Colleges Are Not Just for Blacks Anymore," *Journal of Negro Education* 63, no. 2 (1994): 153-163.
2. *An American Imperative: Higher Expectations for Higher Education* (Racine, Wisc.: The Johnson Foundation-The Wingspread Group, 1993).
3. Patrick Healey, "The Next Step in Desegregation," *Chronicle of Higher Education*, January 13, 1995, A22-23, A27-28.

CHAPTER 4 Access

1. Thomas Mortenson, presentation to the Panel on Educational Opportunity and Postsecondary Desegregation, New Orleans, La., April 1, 1993.
2. Joe Creech, *1994 Educational Benchmarks*, Southern Regional Education Board. (This refers to the 15 states in the Southern Regional Education Board region and includes community colleges).
3. See *Education That Works: An Action Plan for the Education of Minorities* (Cambridge: MIT Quality Education for Minorities Project, January 1990).
4. "Georgia Superintendent Battle Subtle Racism," *New York Times*, national edition, February 14, 1995, A6.
5. Donald Stewart, statement at hearing of the Panel on Educational Opportunity and Postsecondary Desegregation in Norfolk, Va., December 9, 1993.
6. Nettles, "Minority Student Access."
7. Peter Applebome, "In Selma, Everything and Nothing Is Changed," *New York Times*, August 2, 1994.
8. William Taylor and Dianne M. Piche, *Shortchanging Children: The Impact of Fiscal Inequity on the Education of Children at Risk*. Report prepared for the Committee on Education and Labor, U.S. House of Representatives, Serial No. 102.0 (Washington, D.C.: U.S. Government Printing Office, 1991).
9. Research completed for the Panel on Educational Opportunity and Postsecondary Desegregation (see Faith G. Paul, "Structural Barriers to Desegregation," March 1994).
10. Alison R. Bernstein and Judith R. Eaton, "The Transfer Function: Building Curricular Roadways Across and Among Higher Education Institutions," *Minorities in Higher Education*, American Council on Education, 1994.
11. Arthur Hauptman, "Financing Higher Education: Overview and Pressures" (Paper prepared for the Business-Higher Education Forum, February 1994).
12. Nettles, "Minority Student Access."
13. Ibid.
14. American Council on Education, unpublished figures from the Office of Governmental Relations, September 16, 1994.
15. Professor Laura Rendon (Arizona State University), presentation to the Panel on Educational Opportunity and Postsecondary Desegregation, February 19, 1994.
16. See, for example, polls conducted by Princeton Survey Research Associates, May 1992, the National Opinion Research Center, September 1990, and the Gallup organization, September 1989.
17. Poll conducted by National Opinion Research Center, September 1990.
18. See Chapter 2, endnote 33.

CHAPTER 5 Success

1. National Collegiate Athletic Association, *NCAA Division I Graduation Rates Reports, 1992-1993* (Overland Park, Kans., 1993), 608.
2. *Federal Register*, February 15, 1978, 6662.
3. State-by-state breakouts are provided in Appendix A.
4. Elaine El-Khawas, *1992 Campus Trends*, Washington, D.C., American Council on Education.
5. Gail E. Thomas, "Race Relations and Campus Climate for Minority Students at Majority and Minority Institutions: Implications for Higher Education Desegregation," April 11, 1994. (Paper commissioned for the Panel on Educational Opportunity and Postsecondary Desegregation.)
6. Sylvia Hurtado, "The Campus Racial Climate," *Journal of Higher Education* 63, no. 5, and presentation to the Panel on Educational Opportunity and Postsecondary Desegregation, Tampa, Fla., April 6, 1994.
7. Sylvia Hurtado, Eric Dey, and Jesus Trevino, "Exclusion or Self-Segregation? Interaction Across Racial/Ethnic Groups on College Campuses" (Paper presented at the annual meeting of the American Research Association), 22; and Sylvia Hurtado pre-

sentation to the Panel on Educational Opportunity and Postsecondary Desegregation, Tampa, Fla., April 6, 1994.

8. See *Charles Dana Foundation Report* (Annual Report), Spring 1988.
9. See, for example, *The Inclusive University: A New Environment for Higher Education* (Washington: Joint Center for Political and Economic Studies, 1993) and *An American Imperative: Higher Expectations for Higher Education* (Racine, Wisc.: The Johnson Foundation-The Wingspread Group, 1993).
10. We note, however, that white enrollment at HBCUs has been limited, for the most part, to a few select programs; whites do not often become involved in campus life. Those who attempt to do so may have experiences similar to those of black students at traditionally white campuses. A white student at an HBCU told us that black students were opposed to him joining their fraternity because of his race.
11. *Knight v. Alabama*, 14 S. 3d 1534 (11th Cir. 1994).
12. Michael T. Nettles, "Student Achievement and Success after Enrolling in Undergraduate Public Colleges and Universities in Selected Southern States" (Paper commissioned by the Panel on Educational Opportunity and Postsecondary Desegregation, 1994).

CHAPTER 6 Promoting Opportunity

1. Slip op., 223.
2. *U.S. v. Fordice*, 112 S. Ct. 2746.

SUPPLEMENTAL STATEMENTS

Page 44, paragraph 2.

CHARLES B. KNAPP, MARK D. MUSICK, AND WILLIAM F. WINTER

Panel members were divided about the future role of litigation in achieving what the report calls “real desegregation — equal access to higher education and equal opportunity for success.” We agree with the Panel’s conclusion that in the *Fordice* case the district court has recognized “the limitations that courts face” and “deferred to the judgment of educational leaders about what constitutes sound educational policy and what additional measures are required.” We have litigated for a quarter of a century. The Panel was right to stress “the importance of leadership — from state officials, educators, businesses, and private citizens” — in solving this continuing problem. A “model higher education desegregation order” is an oxymoron in the 1990s. The order included in this report, without formal discussion at a meeting of the Panel, sends the wrong message about the best way to achieve equal access to higher education and equal opportunity for success.

Page 44, paragraph 2.

JIM DYKE, RUBY G. MARTIN, AND ELRIDGE W. McMILLAN

The Panel rightly recognizes that effective desegregation — that which eliminates race as a factor in access to and success in higher education — can best be brought about by voluntary, collaborative efforts by policymakers, educators, and the private sector. The model higher education desegregation order, which Panel members had opportunity to review and comment on, recognizes a powerful reality — that courts to date have had the central role in spurring desegregation in higher education. Implementing the recommendations in this report would, in all likelihood, not be possible were it not for the Supreme Court’s ruling in *United States v. Fordice*. We hope that there will be no need for further litigation. However, while relying on the courts is not the preferred way to promote opportunity, too often it has been the only way. A major goal of the Panel is to provide key policymakers — including judges — with specific and comprehensive ways to bring about opportunity through desegregation. The model order, by incorporating many of the Panel’s suggestions, does just that.

APPENDICES

A. Selected Data from Twelve States	A-1
B. Model Higher Education Desegregation Order	B-1
C. Panel Meetings and Hearings	C-1
D. Presenters to the Panel and Meeting Participants	D-1
E. Commissioned Papers	E-1

APPENDIX A

SELECTED DATA FROM TWELVE STATES

PROFILES OF THE TWELVE STATES SELECTED FOR THIS STUDY

Nineteen states at one time maintained *de jure* segregated systems of higher education. Of those 19, we chose 12 to inform our data collection and information gathering. While the report is concerned about the vestiges of *de jure* segregation, we believe that many of the remedies we propose will benefit minorities who continue to be disadvantaged from *de facto* segregation. Educational opportunity has been limited for large numbers of Hispanics in two of the states that we studied and thus our analysis of postsecondary access and success in Florida and Texas includes Hispanic students and faculty.

Each of the 12 states developed statewide desegregation plans and goals, typically as a result of direct court supervision or oversight from the Office for Civil Rights (OCR) of the U.S. Department of Education. For each state, the profiles provide basic demographic information, the status of desegregation oversight, a description of the higher education system, and data focusing on specific areas that parallel the 1978 criteria developed by OCR to evaluate states' progress in dismantling dual systems of higher education.

The 1978 OCR criteria were not applied to three states whose desegregation cases developed into separate lawsuits: Louisiana, Mississippi, and Tennessee; for these three states, progress toward OCR goals is not discussed. Overall patterns for the 12 states are summarized below.

- **Access to College** — Comparing the percentage of black high school graduates with the proportion of first-time freshmen shows that most states have sizable leaks in their education pipelines for black students. Only four states had similar proportions of blacks graduating from high school and enrolling as first-time freshmen. For Florida and Texas, the two states with large Hispanic populations, the proportion of

Hispanics among high school graduates was larger than among first-time freshmen. In contrast, eight of the states had larger proportions of whites among first-time freshmen than among high school graduates.

- **Enrollment at Traditionally White Institutions** — While most of the 12 states we studied recorded fairly large numerical increases for black enrollment at TWIs, few of them realized substantial proportional gains. (The number of black students at Tennessee TWIs actually fell during the 1980s.) White enrollment in three of the states accounted for 85 percent or more of the total enrollment at TWIs.
- **Enrollment at Historically Black Colleges and Universities** — States' progress in increasing white enrollment at HBCUs was mixed during the 1980s. Mississippi was the only state with an actual enrollment loss for white students; all other states recorded enrollment increases for white students attending HBCUs. As is the case with black enrollment gains at TWIs, the proportional gains were not as impressive — only four of the states had 5 percent or more white enrollment in their HBCUs.
- **Bachelor's Degrees** — During the 1980s, the number of bachelor's degrees conferred to blacks actually dropped in three states (Alabama, Mississippi, and Tennessee), the number remained the same in another state (Pennsylvania), and other states recorded slight or moderate increases. All 12 states showed impressive gains in the number of bachelor's degrees awarded to Hispanic students.
- **Doctoral Degrees** — Similar patterns occurred with doctorates: in four states (Alabama, Florida, Mississippi, and Tennessee), the number of Ph.D.'s earned by

blacks fell from 1979 to 1991. In Louisiana, blacks earned the same number of doctorates in 1979 as in 1991. Moderate gains were experienced by all other states. The number of doctorates earned by Hispanics increased in all 12 states.

- Graduate and Professional Enrollment — In most cases, states posted moderate to sizable increases for minority students among graduate and professional enrollments, even though professional enrollments on the whole declined. Exceptions included: Mississippi, which showed a moderate decline in black graduate enrollment; Tennessee, which experienced a small decline in black enrollment in professional programs; and Pennsylvania, which maintained the same enrollment levels for blacks in professional programs.
- Faculty and Administrators in Public Institutions — Blacks are underrepresented in all 12 states, based on their proportion among full-time faculty and administrators at state institutions. In these states, the percentage of black faculty is less than half their share of the state's population. Public institutions have done slightly better in terms of hiring black administrators; in seven states, blacks' share among faculty is less than half of their population share. In Texas and Florida, Hispanic faculty and administrators also are underrepresented when compared with their representation among the state's population.

SYNOPSIS OF EACH STATE

Alabama

Alabama was chosen because of:

- its status as one of the original *Adams* states;
- its involvement in ongoing desegregation litigation — *Knight v. Alabama* which was remanded by a federal appellate court for trial to determine, among other things, whether funding allocations for land-grant institutions, curricula at traditionally white institutions, and mission statements were vestiges of segregation (the case is discussed in Chapter 2 of the report);

- a recent court order overturning the state's financing system for elementary and secondary education; and
- the large number of historically black colleges and universities in the state. The public HBCUs include two senior institutions — Alabama A&M University and Alabama State University; a state-related institution, Tuskegee University; and several technical and community colleges — Carver State Technical College, Drake State Technical College, Fredrick State Technical College, Lawson State Community College, S.D. Bishop State Junior College, and Trenholm State Technical College.

Florida

Florida was selected because of:

- its large black and Hispanic populations — Florida ranks fourth among all states in terms of the number of both its black and Hispanic residents;
- its status as one of the original *Adams* states;
- its extensive system of community colleges which attracts substantial numbers of minority students; and
- the state's prominent HBCU — Florida A&M University — and its Hispanic-Serving Institutions (HSIs — institutions with more than 25 percent Hispanic enrollment): Florida International University and Miami-Dade Community College.

Georgia

Georgia was chosen because of:

- its status as one of the original *Adams* states;
- the state's large black population (fifth-largest among all states), especially its sizable number of middle-class blacks;
- the significant economic activity in the state (in comparison with neighboring states);
- the state's accessible data collection system; and
- the number and prominence of public and private HBCUs.

Kentucky

Kentucky was chosen because of:

- its status as one of the original *Adams* states;
- its 1990 enactment of the Kentucky Education Reform Act (KERA), a comprehensive law that is overhauling the state's public school system (Kentucky's colleges are aiding the public schools as they carry out KERA); and
- a state policy, developed as part of Kentucky's Equal Opportunity Plan, that sets goals for higher education institutions on a variety of measures aimed at improving ethnic diversity.

Louisiana

Louisiana was chosen because of:

- its status as one of the original *Adams* states;
- ongoing litigation — known as *United States v. Louisiana* — evolving from Louisiana's refusal to submit a desegregation plan required under *Adams* (the settlement in that case is discussed in Chapter 2); and
- the prominent HBCUs in Louisiana, which include Grambling State University and the Southern University System.

Maryland

Maryland was chosen because of:

- its large black population (it ranks tenth among all states in terms of its number of black residents);
- its status as one of the original *Adams* states;
- efforts by the University of Maryland at College Park to remedy vestiges of segregation on its campus through use of the race-targeted Benjamin Banneker Scholarship Program (see Chapter 2); and
- its well-known HBCUs (University of Maryland - Eastern Shore, Bowie State University, Morgan State University, and Coppin State College).

Mississippi

Mississippi was chosen because of:

- the U.S. Supreme Court ruling in *United States v. Fordice*, and the district court's application of that decision on remand;
- the state's large black population (more than one-third of Mississippi's residents are black); and
- the number of public HBCUs, including three senior institutions — Alcorn State, Jackson State, and Mississippi Valley State universities; and one two-year institution, Coahoma Junior College.

North Carolina

North Carolina was chosen because of:

- its involvement in desegregation litigation — both as one of the original *Adams* states and as a plaintiff in a separate case, which led to a consent decree guiding desegregation efforts in the state's four-year colleges;
- the state's significant economic growth;
- its well-established data collection system; and
- its sizable number of public HBCUs (Fayetteville State, North Carolina A&T, North Carolina Central, Elizabeth City State, and Winston-Salem State universities).

Pennsylvania

Pennsylvania was chosen because of:

- its location outside the South;
- its status as one of the original *Adams* states;
- concerns about poor retention of black students and the need for improved articulation agreements between Pennsylvania's two-year and four-year institutions; and
- its public HBCUs, Lincoln University and Cheyney University of Pennsylvania, which are considered state-related institutions.

Tennessee

Tennessee was chosen because of:

- a continuing higher education desegregation case, now known as *Geier v. Sundquist*;
- a comprehensive monitoring system to assess goals for attracting other-race students, faculty, staff, and administrators, which were set for all of Tennessee's public campuses as part of the *Geier* litigation; and
- Tennessee's two HBCUs: Tennessee State University and Shelby Community College.

Texas

Texas was chosen because of:

- its large black and Hispanic populations — Texas ranks third among all states in terms of the number of its black residents and it ranks second in terms of the size of its Hispanic population;
- its status as one of the original *Adams* states;
- a recent lawsuit, *League of United Latin American Citizens (LULAC) et al. v. Ann Richards*, which charged that Texas discriminated against the largely Hispanic border region of the state by providing inadequate educational opportunities in this region; and

- its HBCUs and HSIs. Texas has two public HBCUs, Prairie View A&M University and Texas Southern University; and a large number of HSIs, including Corpus Christi State University, El Paso Community College, Laredo Junior College, San Antonio College, Texas A&M University, Texas Southmost College, University of Texas - El Paso, University of Texas - Pan American, and University of Texas - San Antonio.

Virginia

Virginia was chosen because of:

- its status as one of the original *Adams* states, along with the measurable changes that resulted from its efforts to address *Adams*, such as the cooperative strategies developed between Norfolk State University (an HBCU) and its neighbor, Old Dominion University (a TWI);
- its diverse population;
- its prestigious flagship university; and
- its HBCUs: Virginia State and Norfolk State universities.

ALABAMA

Demographic Characteristics

The state's population reached 4 million in 1990, a slight (2.5 percent) increase from 3.9 million in 1980. Alabama ranks 22nd among states in overall population and ranks 11th in terms of states with the largest black populations. The state does not have a strong record with respect to the condition of its children, according to the Annie E. Casey Foundation, which ranked the state 44th among all 50 states and D.C. based on measures of child health, education, and welfare.

Desegregation Status

Alabama was one of the "second tier" *Adams* states, a group of eight southern and border states whose desegregation efforts were selected by HEW for oversight in 1978. However, OCR never accepted the plans submitted by Alabama, and the lack of an appropriate plan resulted in the state's referral to the Department of Justice in January 1982.

In March 1994, a U.S. Court of Appeals ruled on a lawsuit which resulted from the Justice Department oversight (known as the *Knight* case; see Chapter 2). The 11th Circuit Court determined that the state's higher education system continued to have vestiges of a segregated system and that these vestiges affected the following areas: Mission statements of the predominantly white and historically black institutions, land-grant funding formulas that favored traditionally white institutions, and the curricula offered at the state's TWIs. As a result of this ruling, a new trial was held in early 1995.

The State's Higher Education System

The Alabama system of higher education includes 18 public four-year institutions and 37 public two-year colleges. The state has two senior-level traditionally black institutions, Alabama A&M and Alabama State universities; in addition, another HBCU, Tuskegee University, is considered a state-related institution. There also are several HBCUs among Alabama's two-year colleges, including Carver State Technical College, Drake State Technical College, Fredd State Technical College, Lawson State Community College, S.D. Bishop State Junior College, and Trenholm State Technical College. In 1992, 207,000 students were enrolled in the state's public institutions of higher education, including 79,000 in two-year colleges and 128,000 in four-year institutions.

Access to College

Progress toward goals: A 1981 letter of finding by OCR indicated a sizable disparity between the percentages of black and white high school graduates entering the state's senior level colleges.

- In 1978, only 24 percent of Alabama's black high school graduates were entering the senior-level institutions as first-time college freshmen, in comparison with 43 percent of the white high school graduates. Therefore, the rate of access to public senior-level higher education for Alabama's black high school graduates was only about half the rate of access for their white counterparts. (Comparable data on high school graduates' college-going rates are not available for more recent years.)

Comparison of high school graduates to freshmen: In 1992, blacks represented a smaller proportion among freshmen than among high school graduates, while whites had a slightly larger representation among freshmen than they did among high school graduates. (Hispanics held roughly the same share of high school graduates and freshmen.)

Black Enrollment at TWIs

Alabama has made some progress in changing the racial identity of its senior-level colleges and universities.

- Black enrollment in TWIs rose from 9 percent in 1980 to 14 percent in 1992. The data also indicate black students are not as heavily concentrated in the HBCUs; by 1992, only

32 percent of the state's black undergraduates attended the two senior-level HBCUs, Alabama State and Alabama A&M universities. In comparison, more than half of the black undergraduates at public four-year colleges were enrolled in these two institutions in 1978.

White Enrollment at HBCUs

The number and proportion of white students enrolled at HBCUs increased moderately from 1980 to 1992, with white students representing 8 percent of full-time undergraduates at the HBCUs in 1992, up from 3 percent in 1980.

Degrees Conferred

- From 1979 to 1991, the number of blacks earning bachelor's degrees declined by 8 percent while whites recorded an increase of 14 percent. As a result of these trends, blacks lost ground proportionally in the state: in 1991, blacks accounted for 14 percent of all students earning bachelor's degrees, down from 17 percent in 1979.
- The number of doctorates awarded to blacks also fell during the 1980s, from 17 in 1979 to 14 in 1991. Blacks account for 25 percent of the state's population, yet they accounted for only 4 percent of the Ph.D.'s awarded in the state.

Graduate and Professional Enrollment

- While the number of black students in graduate schools increased moderately during the 1980s, the actual proportion dropped slightly from 13 percent to 12 percent.
- In contrast to overall trends for Alabama professional schools, black enrollment rose dramatically from 1982 to 1992. As a result, their portion of total enrollment grew from 5 percent to almost 9 percent by 1992.

Faculty and Administrators

In 1991, 12 to 13 percent of the faculty and administrators in Alabama's public institutions of higher education were black, half of their overall representation in the state's population.

Innovative Programs/Policies

Since 1989, seven public and private institutions of higher education have collaborated in the Alabama Consortium for Minority Teacher Education, which identifies and recruits minority students (primarily blacks) to prepare them as teachers. The consortium is housed at Tuskegee University's School of Education; the other institutions include Alabama A&M University and Birmingham Southern, Huntingdon, Oakwood, Spring Hill, and Stillman colleges.

Students are recruited through churches, community agencies, and schools and are encouraged to apply to one of the seven institutions. Each institution specializes in a different education discipline (i.e., elementary education, secondary education, special education, etc.). Each year, the consortium has set a goal of recruiting 20 new students for each institution, and each student then receives academic support and financial aid. The institutions monitor students through college completion, and most are now certified teachers in Alabama's public and private schools.

Key Education Committee Chairpersons

Sen. Doug Ghee, Sen. Education Committee

Rep. Paul Parker, House Education Committee

% of legislators who are black: 25%

* Hispanics may be of any race, therefore, totals will not add to 100 percent

STATUS OF MINORITIES IN HIGHER EDUCATION

Access to College	White			Black			Hispanic		
	High School Graduates		First-Time Freshmen	High School Graduates		First-Time Freshmen	High School Graduates		First-Time Freshmen
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
	1992	24,446	63%	23,036	67%	13,654	35%	10,503	30%
	77	0.2%	171	0.5%					
Full-Time Undergraduate Enrollment at TWIs and HBCUs	Traditionally White Institutions			Historically Black Colleges and Universities					
	1980	1992	% Change, 1980-92	1980	1992	% Change, 1980-92			
	Number	Percent	Percent	Number	Percent	Percent			
	Total	60,994	100%	111,509	100%	83%			
	White	54,500	89%	92,044	83%	69%			
Black	5,320	9%	15,643	14%	194%				
Bachelor's Degrees and Doctorates Awarded	Bachelor's Degrees			Doctorates					
	1979	1991	% Change, 1979-91	1979	1991	% Change, 1979-91			
	Number	Percent	Percent	Number	Percent	Percent			
	Total	16,345	100%	18,308	100%	12%			
	White	13,217	81%	15,126	83%	14%			
Black	2,730	17%	2,499	14%	-8%				
Graduate and Professional Enrollment	Graduate Enrollment			First Professional Enrollment					
	1980	1992	% Change, 1980-92	1980	1992	% Change, 1980-92			
	Number	Percent	Percent	Number	Percent	Percent			
	Total	14,392	100%	20,541	100%	43%			
	White	11,370	79%	15,514	76%	36%			
Black	1,862	13%	2,490	12%	34%				
Full-Time Faculty and Administrators	Faculty			Administrators					
	Total	White	Black	Total	White	Black			
	Number	Number	Number	Number	Number	Number			
	Percent	Percent	Percent	Percent	Percent	Percent			
	1991	9,196	7,601	83%	477	86%	75		
						13%			

FLORIDA

Demographic Characteristics

Florida is one of the nation's fastest-growing states, and it now ranks fourth in overall population. The state's population reached 12.9 million in 1990, up 33 percent from 9.7 million in 1980; the Hispanic population almost doubled during the 1980s, growing from 858,000 in 1980 to 1,574,000 in 1990. Florida does not have a strong record with respect to the condition of its children, according to the Annie E. Casey Foundation, which ranked the state 47th among all 50 states and Washington, D.C. based on measures of child health, education, and welfare.

Desegregation Status

Florida was one of the original states cited in the *Adams v. Richardson* lawsuit. As a result of this case, Florida was required to submit statewide plans for eliminating segregation in its higher education system; the plans (submitted first in 1978 and again in 1983) were approved by OCR.

When the state's plan expired in 1985, OCR did not find the state in compliance with Title VI and continued its oversight. OCR's final evaluation of the state is still pending.

The State's Higher Education System

Florida has two systems of higher education—the state university system (nine colleges and universities including the state's only HBCU, Florida A&M University) and the community college system, which includes 28 institutions. In 1992, 511,000 students were enrolled in the state's public institutions of higher education, including 326,000 in two-year colleges and 185,000 in four-year institutions.

Access to College

Progress toward goals: As part of its statewide desegregation plan for higher education, Florida adopted the goal of achieving parity in college-going rates for blacks and whites. The state evaluated progress by comparing the proportions of high school graduates from both groups with their proportions among first-time freshmen.

- From 1982 to 1992, the proportion of blacks among high school graduates stayed about the same (20 percent and 21 percent), yet their share of first-time freshmen rose slightly (from 11 percent to 15 percent). In comparison, the proportion of whites among high school graduates and first-time freshmen actually fell during this time, apparently due to sizable increases in the Hispanic proportions of these two groups. Whites represented 79 percent of high school graduates and 89 percent of first-time freshmen in 1982, yet by 1992, whites accounted for 65 percent of both groups.

Comparison of high school graduates to freshmen: The percentage of Hispanic students among first-time freshmen was slightly larger than their proportion among high school graduates. Yet for blacks, the proportion of high school graduates was higher than among first-time freshmen (21 percent vs. 14 percent).

Black and Hispanic Enrollment at TWIs

The number of black and Hispanic students more than tripled from 1980 to 1992, but for each group, their overall proportion grew only slightly — for blacks from 6 percent to 9 percent, and for Hispanics from 5 percent to 6 percent.

White and Hispanic Enrollment at HBCUs

White enrollment at Florida A&M University did increase numerically, rising from 198 students in 1980 to 355 students in 1992. However, a coinciding increase in black enrollment resulted in little change in white students' proportion of enrollment (4 percent to 5 percent). (The number of Hispanic students enrolled at Florida A&M increased, yet even in 1991 fewer than 100 Hispanic students attended the HBCU, and they accounted for only 1 percent of the full-time undergraduates.)

Degrees Conferred

- Bachelor's degrees awarded annually increased dramatically from 1979 to 1991, and these increases held for blacks and Hispanics as well. For example, the number of baccalaureates earned by blacks rose 15 percent; by Hispanics, 58 percent; and overall, by 37 percent.
- The number of doctorates awarded to blacks actually fell during the 1980s, while among Hispanics the number did increase (those who earn Ph.D.'s still do not match the proportion among the population for either group). While blacks represent 14 percent of Florida's population, they earned only 7 percent of the Ph.D.'s awarded by the state's universities in 1992; similarly, Hispanics account for 12 percent of the population and only 4 percent of its doctoral degree recipients.
- Because of these gains, blacks and Hispanics doubled their share of professional school enrollments during the 1980s. However, corresponding increases among whites led to small proportional gains at the graduate levels.
- Blacks and Hispanics doubled their enrollments at Florida's graduate schools from 1982 to 1992, and they nearly tripled professional enrollments during this period.

Graduate and Professional Enrollment

Faculty and Administrators

In 1991, fewer than 10 percent of the faculty and administrators at the state's colleges and universities were black, and less than 5 percent were Hispanic.

Innovative Programs/Policies

Miami-Dade Community College has focused on both early intervention and successful transfer for its students. Since 1987, the college has sponsored two early intervention programs, both developed as partnerships among the college, the Urban League of Greater Miami, the Dade County Public Schools, the United Teachers of Dade County, and the Mitchell Wolfson, Sr. Foundation. The first, Miami Promise, focuses on improving sixth graders' academic preparation; Black Student Opportunity focuses on academic preparation for high school students, but it also offers scholarship incentives to students. (College scholarship funds were established in two participating high schools, with students receiving \$30 for each C, \$60 for each B, and \$90 for each A.)

As part of the college's transfer efforts, it encourages student planning by not allowing students to take more than four courses unless they have been tested, placed, and matriculated in an associate degree program. In addition, college counselors and officials ensure that every enrolled student receives information on articulation agreements with state four-year institutions.

Governor: Lawton Chiles (D)

1990 Population (in thousands)

Other Indicators

National Average

Key Education Committee Chairpersons

Sen. Don Sullivan, Sen. Education Committee

Rep. Cynthia Chestnut, House Education Committee

% of legislators who are black: 13%

% of legislators who are Hispanic: 2%

* Hispanics may be of any race, therefore, totals will not add to 100 percent.

Percent

Number

% of children living in poverty (1992)

21%

31%

69%

STATUS OF MINORITIES IN HIGHER EDUCATION

	White		Black		Hispanic	
	High School Graduates Number	First-Time Freshmen Number	High School Graduates Number	First-Time Freshmen Number	High School Graduates Number	First-Time Freshmen Number
Access to College	60,548	23,045	19,262	4,292	11,503	2,149
	65%	74%	21%	14%	12%	7%
Full-Time Undergraduate Enrollment at TWIs and HBCUs	68,129	171,872	152%	4,496	7,551	2,149
	86%	80%	134%	100%	100%	68%
	4,208	137,033	251%	198	355	79%
	3,322	14,788	218%	4,145	6,991	69%
	5%	6%		13	84	546%
Bachelor's Degrees and Doctorates Awarded	28,523	38,927	36%	1,517	1,249	-18%
	82%	77%	28%	1,246	832	-33%
	9%	7%	15%	120	65	-46%
	9%	10%	58%	32	53	65%
Graduate and Professional Enrollment	26,415	57,048	116%	5,717	8,687	52%
	81%	73%	94%	5,183	6,413	24%
	7%	8%	136%	168	629	274%
	5%	8%	269%	303	1,138	276%
Full-Time Faculty and Administrators	17,511	14,817	85%	1,361	1,153	9%
	14,817	1,153	813	85%	128	52
	5%	5%	5%	85%	9%	4%

GEORGIA

Demographic Characteristics

Georgia's population increased moderately during the 1980s, up 20 percent from 5.4 million in 1980. While the state is the 11th-largest among all states, it ranks fifth among states with the largest black populations. Similar to most southern states, Georgia earned a low rating (43rd of 51) from the Annie E. Casey Foundation for conditions faced by the state's children.

Desegregation Status

Georgia was one of the original states cited in the *Adams v. Richardson* lawsuit, which charged OCR with failing to secure compliance with racial discrimination laws. As a result of this case, Georgia was required to submit statewide plans for eliminating segregation in its higher education system; the plans (submitted first in 1979 and again in 1983) were approved by OCR.

In 1989, OCR found Georgia in full compliance with Title VI, and OCR officials have stated that unless new complaints are filed regarding the desegregation status of the state's higher education system, Georgia's file will remain closed.

The State's Higher Education System

Georgia has 19 public four-year institutions and 50 public two-year institutions (primarily technical colleges). Among the state's senior institutions are three HBCUs: Albany State, Fort Valley State, and Savannah State colleges. Enrollment in public institutions reached almost 232,000 in 1992, with 154,000 students at four-year institutions and 78,000 in two-year colleges.

Access to College

Progress toward goals: The disparity between Georgia's black and white college-going rates increased, rather than decreased, during the plan years, according to OCR's final report (released in 1988).

- In 1978, black first-time freshmen represented 17.5 percent of the year's black high school graduates, compared with 34.3 percent of white high school graduates. By 1985, only 16 percent of the state's black high school graduates were enrolled as first-time freshmen, compared with almost 36 percent of the state's white high school graduates. A 1990 report criticized OCR for finding the state in compliance, saying, "Georgia was a state with abundant evidence showing not only a failure to achieve the specific goals but rapid backward movement on basic dimensions." (Orfield, Gary, *The Reagan Administration's Abandonment of Civil Rights Enforcement in Higher Education*. Washington, D.C.: Joint Center for Political and Economic Studies, 1990).

Comparison of high school graduates to freshmen: In 1990,¹ 35 percent of the state's high school graduates were black, compared with only 27 percent of first-time freshmen. (Hispanics held similar proportions of high school graduates and first-time freshmen.)

Black Enrollment at TWIs

The number of black students attending Georgia's TWIs almost tripled from 1980 to 1992. However, their proportion among all students changed only slightly.

White Enrollment at HBCUs

During the 1980s, the number of white students enrolled at Georgia HBCUs fell from 386 (8 percent) in 1980 to 235 undergraduates (4 percent) in 1992.

1. Georgia did not submit high school graduates data to the U.S. Department of Education in 1992, so unlike other states, 1990 data are used here.

Degrees Conferred

- Degrees-earned data indicate that the number of blacks earning baccalaureates increased substantially during the 1980s. However, the numerical gains in bachelor's degrees were much larger than the proportional gains blacks experienced.
- During the 1980s, the number of doctorates earned by blacks barely increased, from a total of three awarded in 1979 to a total of eight conferred in 1991. While blacks accounted for more than one-fourth of the state's residents, they represented less than 1 percent of the doctorate recipients in the state.

Graduate and Professional Enrollment

- Using the OCR criteria, Georgia adopted the goal of continued parity for black and white state residents who graduate from undergraduate institutions and enter state graduate and professional programs. Data submitted to OCR show an interesting trend: Blacks in Georgia were more likely than whites to go on to graduate studies in the late 1970s, yet by the mid-1980s, the proportion of blacks declined to the point that equal shares of blacks and whites attended graduate school. In 1979, 49 percent of black baccalaureate degree earners went on to graduate study, compared with 31 percent of their white peers. By 1986, almost equal proportions of black and white bachelor's degree recipients were continuing their studies in graduate programs (23 percent and 21 percent, respectively). The proportions of blacks and whites entering professional programs were almost equal during this time, between 3 and 5 percent. Similar data for 1990 were not available; it is unclear whether this trend continued.
- Enrollment data show that from 1982 to 1992, Georgia posted numerical, but not proportional, gains in its black graduate enrollments, and numerical and proportional increases for blacks in professional schools.

Faculty and Administrators

In Georgia, 137 (12 percent) of the 1,161 administrators in public colleges and universities are black, and about 1,300 (11 percent) of the 11,400 full-time faculty at these institutions are black.

Innovative Programs

In 1993, Georgia started a new financial aid program, called Helping Outstanding Pupils Educationally (HOPE), using the proceeds from the state's new lottery. Under HOPE, public college tuition is paid for all freshmen and sophomores who earn a B average and whose families earn \$100,000 or less; 54,000 students received HOPE grants in 1993-94. The program has been praised for expanding access to college, and a few institutions credit HOPE for sizable increases in minority enrollment. However, some observers are concerned that students should be allowed a probationary period; the *Chronicle of Higher Education* estimated that 50 to 55 percent of scholarship recipients in the first year would not remain eligible for the program.

Governor: Zell Miller (D)

Key Education Committee Chairpersons

Sen. Richard Marable, Sen. Education Committee**Rep. John Godbee, House Education Committee**

% of legislators who are black: 18%

* Hispanics may be of any race therefore, totals will not add to 100 percent.

Other Indicators

	Georgia	National Average
% of children living in poverty (1992)	24%	21%
% of population under 18 that is minority (1990)	37%	31%
% graduating from high school on time (1991)	63%	69%

1990 Population
(in thousands)

	Number	Percent
Total	6,478	100%
White	4,600	71%
Black	1,747	27%
Hispanic*	109	2%
Other	131	2%

STATUS OF MINORITIES IN HIGHER EDUCATION

	White			Black			Hispanic		
	High School Graduates Number	First-Time Freshmen Number	Percent	High School Graduates Number	First-Time Freshmen Number	Percent	High School Graduates Number	First-Time Freshmen Number	Percent
Access to College	35,284	22,916	64%	18,952	7,142	35%	217	0%	1%
Full-Time Undergraduate Enrollment at TWIs and HBCUs									
Total	56,786	117,432	100%	107%	4,586	100%	6,688	100%	46%
White	48,999	93,490	86%	91%	86	8%	235	4%	-39%
Black	5,985	17,799	11%	197%	4,030	88%	6,359	95	58%
Bachelor's Degrees and Doctorates Awarded									
Total	16,135	22,322	100%	38%	530	100%	827	100%	56%
White	13,367	17,789	83%	33%	417	79%	528	64%	27%
Black	2,397	3,367	15%	40%	40	8%	53	6%	33%
Graduate and Professional Enrollment									
Total	22,193	32,935	100%	48%	6,333	100%	8,974	100%	42%
White	17,462	24,744	79%	42%	5,689	90%	7,279	81%	28%
Black	3,071	4,282	14%	39%	481	8%	986	111%	05%
Full-Time Faculty and Administrators									
Total	11,407	9,502	83%	11%	1,163	1,088	87%	137	12%
White									
Black									

Traditionally White Institutions

	1980	1992	% Change, 1980-92
Number	56,786	117,432	107%
Percent	100%	100%	
Number	48,999	93,490	91%
Percent	86%	80%	
Number	5,985	17,799	197%
Percent	11%	15%	

Historically Black Colleges and Universities

	1980	1992	% Change, 1980-92
Number	4,586	6,688	100%
Percent	100%	100%	
Number	86	235	4%
Percent	8%	4%	
Number	4,030	6,359	95
Percent	88%	95	

Bachelor's Degrees

	1979	1991	% Change, 1979-91
Number	16,135	22,322	38%
Percent	100%	100%	
Number	13,367	17,789	33%
Percent	83%	80%	
Number	2,397	3,367	40%
Percent	15%	15%	

Doctorates

	1979	1991	% Change, 1979-91
Number	530	827	56%
Percent	100%	100%	
Number	417	528	27%
Percent	79%	64%	
Number	40	53	33%
Percent	8%	6%	

Graduate Enrollment

	1980	1992	% Change, 1980-92
Number	22,193	32,935	48%
Percent	100%	100%	
Number	17,462	24,744	42%
Percent	79%	75%	
Number	3,071	4,282	39%
Percent	14%	13%	

First Professional Enrollment

	1980	1992	% Change, 1980-92
Number	6,333	8,974	42%
Percent	100%	100%	
Number	5,689	7,279	28%
Percent	90%	81%	
Number	481	986	05%
Percent	8%	111%	

Administrators

	Total	White	Black	Percent
Number	1,163	1,088	137	12%
Percent		87%		

KENTUCKY

Demographic Characteristics

Kentucky's population changed very little during the 1980s, and it remained 23rd among states in population. Kentucky is ranked 33rd out of 51 on its measures of child health, education, and welfare by the Annie E. Casey Foundation.

Desegregation Status

Kentucky was a "second tier" *Adams* state, which means OCR oversight of the state's desegregation efforts did not begin until 1978. In 1982, OCR accepted Kentucky's plan for desegregating higher education, only to reverse itself and request a stronger report the next year (which was accepted). OCR's final evaluation of the state's compliance with Title VI is still pending.

The State's Higher Education System

Kentucky has eight public universities, including one HBCU, Kentucky State University, and a network of 14 community colleges. In 1992, 158,000 students were enrolled in the state's public institutions of higher education, including 48,000 in two-year colleges and 110,000 in four-year institutions.

Access to College

Progress toward goals: Black high school graduates in Kentucky were actually more likely than white high school graduates to enroll as first-time freshmen in 1980; 50 percent of blacks who graduated from high school attended college in the fall, compared with 45 percent of white high school graduates. However, by 1986, the situation reversed, with 36 percent of black high school graduates and 41 percent of white high school graduates becoming freshmen in the fall.

Comparison of high school graduates to freshmen: The proportion of blacks among all first-time freshmen stayed the same (8 percent) from 1980 to 1992.

Black Enrollment at TWIs

Despite numerical gains in black enrollment, Kentucky has not achieved the proportional gains it sought.

- Kentucky's 1983 plan called for black students to represent 7 percent of undergraduates by 1985. While the state's enrollment of black students rose from 3,677 in 1982 to 4,564 in 1990, their proportion stayed the same, about 6 percent.

White Enrollment at HBCUs

The state's 1983 plan set a goal for white students to equal 40 percent of all undergraduates at Kentucky State University, the state's only HBCU, by 1984 and 1985. While this goal was not reached in those years, it was achieved in 1983 and 1986. However, the picture is different for full-time enrollments: whites represented smaller proportions of all full-time undergraduates, 17 percent in 1980, and 29 percent in 1990.

Degrees Conferred

- The number of bachelor's degrees awarded to blacks increased slightly during the 1980s; however, their share of degrees did not change.
- The number of doctorates awarded to blacks actually fell during the 1980s (from 5 percent to 3 percent). While blacks represent 7 percent of Kentucky's population, they earned only 1 percent of the Ph.D.'s awarded by the state's universities in 1991.

Graduate and Professional Enrollment

- According to OCR's 1990 report, the state succeeded in eliminating the disparity between black and white student rates of entry into graduate study; however, OCR's report did not include data to verify this.

- From 1982 to 1992, the number and proportion of black students at Kentucky's graduate schools changed little. The number of black students in professional schools increased slightly, from 2 percent to 3 percent.

Faculty and Administrators

In 1991, 3 percent of the full-time faculty administrators at Kentucky's public institutions of higher education were black. Only 13 of the state's 423 college and university administrators were black, and four of these were employed by the state's HBCU, Kentucky State University.

Innovative Policy

In 1990, the state's Equal Opportunity Plan required that traditionally white institutions (TWIs) set goals for diversity for 1995. These goals called for increases in the following:

- number and percentage of minority students at TWIs;
- first-year retention;
- degree attainment;
- graduate enrollment; and
- number of minority faculty and administrators at TWIs.

The state legislature then passed a law in 1992 saying that if an institution is not making sufficient progress toward these goals, it could not seek approval of any new degree programs from the state's Council on Higher Education. (Sufficient progress was defined as reaching 20 percent of the goal in the first year, 40 percent the second year, and so on.) In 1994, the Council determined that five institutions were not eligible to seek new programs due to insufficient progress toward the goals. The Council also sought to implement a performance funding initiative tied to the goals. The legislature never authorized appropriations for the initiative.

Governor: Brereton Jones (R)

Key Education Committee Chairpersons

Sen. Joseph Meyer, Sen. Education Committee**Rep. Freed Curd, House Education Committee**

% of legislators who are black: 4%

**1990 Population
(in thousands)**

	Number	Percent
Total	3,685	100%
White	3,392	92%
Black	263	7%
Hispanic*	22	1%
Other	31	1%

Other Indicators

% of children living in poverty (1992)	25%	21%
% of population under 18 that is minority (1990)	10%	31%
% graduating from high school on time (1991)	69%	69%

Kentucky

National Average

* Hispanics may be of any race; therefore, totals will not add to 100 percent.

STATUS OF MINORITIES IN HIGHER EDUCATION**Access to
College**

	White		Black		Hispanic	
	High School Graduates	First-Time Freshmen	High School Graduates	First-Time Freshmen	High School Graduates	First-Time Freshmen
1992	Number	Percent	Number	Percent	Number	Percent
	30,744	91%	17,142	90%	2,813	8%
					1,505	8%
					88	0.3%
					92	0.5%

**Full-Time
Undergraduate
Enrollment at
TWIs and HBCUs****Traditionally White Institutions**

	1980	1992	% Change, 1980-92
Total	56,655	87,873	55%
White	51,705	80,131	55%
Black	3,347	5,143	54%

Historically Black Colleges and Universities

	1980	1992	% Change, 1980-92
Total	1,156	1,629	41%
White	193	477	147%
Black	939	1,130	20%

**Bachelor's
Degrees and
Doctorates
Awarded****Bachelor's Degrees**

	1979	1991	% Change, 1979-91
Total	11,220	12,973	16%
White	10,487	12,019	15%
Black	494	541	10%

Doctorates

	1979	1991	% Change, 1979-91
Total	261	324	24%
White	222	250	13%
Black	5	3	-40%

**Graduate and
Professional
Enrollment****Graduate Enrollment**

	1980	1992	% Change, 1980-92
Total	15,215	18,537	22%
White	13,989	16,418	17%
Black	529	615	16%

First Professional Enrollment

	1980	1992	% Change, 1980-92
Total	4,402	4,995	13%
White	4,192	4,570	9%
Black	87	171	97%

**Full-Time Faculty
and
Administrators****Faculty**

	White	Black
Total	6,973	234
Percent	92%	3%

Administrators

	White	Black
Total	405	13
Percent	96%	3%

LOUISIANA

Demographic Characteristics

Louisiana's population changed very little during the 1980s, and it remained 21st among states in population. The state ranks 50th among all 50 states and D.C. on measures of child health, education, and welfare, according to the Annie E. Casey Foundation.

Desegregation Status

Louisiana was one of the original *Adams* states referred to the Department of Justice due to its refusal to submit a desegregation plan to OCR. In January 1974, the Department of Justice sued the state for noncompliance with Title VI, and in 1981 a consent decree evolved from this status. In November 1994, the parties in the suit reached a settlement, which was then approved by the court. The settlement enabled the three governing boards (one for the Southern University System, a Board of Supervisors for the Louisiana State University system, and a third board representing all other state institutions) to remain in place. Other areas covered in the settlement: 1) missions and admissions criteria were spelled out for each state institution, 2) a community college was established in Baton Rouge, 3) the conditions for institutions to receive new programs were defined, and 4) a study will be completed to determine where unnecessary program duplication occurs. A monitoring committee was established to ensure compliance with the settlement, with annual reports filed to the court. (See Chapter 2.)

The State's Higher Education System

Louisiana's system consists primarily of 14 state universities, including the historically black Southern University system and its three campuses and one other HBCU, Grambling State University. The state also operates six two-year institutions. In 1992, 177,000 students attended public institutions, with almost 150,000 enrolled in the state's four-year colleges and universities.

Access to College

Progress toward goals: Although the consent decree contained a goal of reaching parity in the college-going rates of blacks and whites, relevant data is not on file with OCR.

Comparison of high school graduates to freshmen: Similar to other states, blacks represented a larger portion of high school graduates than first-time freshmen, while whites accounted for a somewhat larger proportion of first-time freshmen than high school graduates.

Black Enrollment at TWIs

Black student enrollment in TWIs increased slightly from 1980 to 1990. In 1980, blacks represented 11.8 percent of full-time undergraduates in TWIs; by 1990 this percentage grew to 13.6 percent.

White Enrollment at HBCUs

Headcount enrollment: The consent decree called for a substantial increase in the proportion of white students attending the state's HBCUs, as measured by headcount enrollment. In 1984, whites were to represent 3 percent of all students at HBCUs, and this proportion rose each year, with the final goal of 13.5 percent to be reached in 1987. Although white enrollment did increase dramatically from 1980 to 1990 (from 185 students to 1,028 students), the proportional gain did not reach the decree's goal.

Full-time undergraduate enrollment: Similarly, though the number of white full-time undergraduates in 1992 was six times as large as it was in 1980, their share increased by about 1 percent.

Degrees Conferred

- Blacks achieved a small gain in the number of students earning bachelor's degrees in 1991 compared to 1979. Despite these trends, however, blacks did not record a proportional

gain during the period because the overall increase in degrees among all students amounted to 11 percent.

Graduate and Professional Enrollment

- Eleven blacks earned doctorates in 1991 — the same number as in 1979.
- From 1982 to 1992, the number of black students at Louisiana graduate schools fell by 1,200 students; the representation of blacks dropped from 20 percent to 14 percent.
- In contrast, blacks almost doubled their enrollment at the first professional level. As a result, their share of total enrollment increased from 6 percent to 10 percent.

Faculty and Administrators

Among the 12 states studied, Louisiana had one of the best records in terms of the percentage of black faculty and administrators employed by the state's institutions of higher education. However, blacks' 13 percent and 14 percent share of faculty and administrators (respectively) is less than half of their proportion of Louisiana's population.

Innovative Program/Policy

At Grambling State University, the Developmental Education Program offers underprepared students tutoring and other support services in math, English, reading, and writing. In existence since 1975, the program targets students who scored 16 or less on the ACT, and each student undergoes a battery of diagnostic tests for appropriate placement. The program, housed at the Academic Skills Center, focuses on providing students with a learning laboratory and tutoring in reading, mathematics, and English. In some years, as many as one-quarter of all freshmen may participate in some aspect of the program; typically 1,000 students are enrolled, including some sophomores and upperclassmen who may repeat classes or return for help in specific areas. The center credits the program with increasing student retention for the past nine consecutive semesters.

MARYLAND

Demographic Characteristics

Maryland ranks 19th among the states in terms of population, and during the 1980s, its black population increased dramatically — and it is now the 10th largest among the states. The Annie E. Casey Foundation ranked the state 30th among all 50 states and D.C. on measures of child health, education, and welfare.

Desegregation Status

Maryland, one of the original *Adams* states, was cited in August 1974 by OCR for failing to submit an appropriate desegregation plan (its earlier plan was rejected as "ineffectual"). In January 1976, the state sued HEW and sought an injunction preventing OCR from initiating its administrative fund termination proceedings. OCR was prevented from beginning the proceedings. Maryland and federal officials later renewed discussions, leading to OCR's acceptance of the state's plan for 1980-85. Maryland is one of six states whose final OCR evaluation for compliance with Title VI is still pending.

The State's Higher Education System

The Maryland Board of Regents controls the 11-campus University of Maryland system, which includes three of the state's HBCUs (University of Maryland at Eastern Shore, Bowie State University, and Coppin State College). Another public HBCU, Morgan State University, remains independent from the UM system. Maryland had about 228,000 students in its public institutions in 1992, with students divided almost equally between two-year and four-year institutions (115,000 and 113,000 students, respectively).

Access to College

Progress toward goals: In the early 1980s, Maryland had already reached parity in college-going rates. In 1982, similar percentages of black (32 percent) and white (30 percent) high school graduates entered public institutions directly following graduation. However, by 1987-88, a gap had developed with 27.7 percent of black high school graduates as first-time freshmen, compared with 36 percent of white graduates. (More recent data are not available.)

Comparison of high school graduates to freshmen: Comparing the proportion of black high school graduates with their share among first-time freshmen also shows a disparity; blacks represented a larger portion of high school graduates than first-time freshmen (29 percent vs. 22 percent).

Black Enrollment at TWIs

The number of black undergraduates in Maryland's TWIs increased from 5,346 students in 1980 to 7,647 students in 1992, and the proportion grew slightly from 10 percent to 13 percent.

White Enrollment at HBCUs

Although the number of white students attending Maryland's HBCUs doubled from 1980 to 1992, the increase in their share of undergraduate enrollments was much smaller — from 5 percent to 8 percent.

Degrees Conferred

- Black students showed a gain of 38 percent in bachelor's degrees awarded from 1979 to 1991, more than double the rate of increase for whites. With this progress, blacks earned 12 percent of all bachelor's degrees in the state during 1991, up slightly from 11 percent in 1979.
- Fewer Ph.D.'s were awarded to blacks in 1991 than in 1979 — the number fell from 26 percent (4 percent of the total) to 23 percent (3 percent of all Ph.D.'s).
- Blacks doubled their enrollments at the first professional level during the 1980s, surpassing the gains recorded for whites and among all students. This led to a small proportion-

Graduate and Professional Enrollment

al gain, with blacks representing 11 percent of graduate students in 1992, compared with 9 percent in 1982.

- At the professional level, the numerical gains for black students were not as large as at the graduate level, yet their share among professional students grew from 8 percent to 14 percent.

Faculty and Administrators

The percentage of blacks among the state's faculty was one-third of their share of the state's population (8 percent vs. 25 percent). In addition, almost half of the black full-time faculty and administrators employed by the state serve Maryland's HBCUs. The picture is slightly better for administrators, with blacks representing 11 percent of college and university officials; again, black administrators hired by the state's HBCUs account for about half of the total (24 of 46).

Innovative Program/Policy

The Benjamin Banneker Scholarship Program was developed at the University of Maryland at College Park, the state's flagship institution, as part of Maryland's effort to remedy vestiges of its formally segregated system. The program, established in 1978, offers full, four-year scholarships for up to 30 black students who have 3.0 GPAs or higher and SAT scores of 900 or above. The Fourth Circuit Court of Appeals recently ruled that the race-based features of the program were too broad a remedy for the conditions that the state was trying to cure. The decision has been appealed to the United States Supreme Court.

Governor Parris Glendening (D)

Key Education Committee Chairpersons

Sen. Barbara Hoffman, Sen. Budget Committee

Del. Howard "Pete" Rawlings,

House Appropriations Committee

% of legislators who are black: 19%

* Hispanics may be of any race, therefore, totals will not add to 100 percent.

Other Indicators	Maryland	National Average
% of children living in poverty (1992)	14%	21%
% of population under 18 that is minority (1990)	31%	31%
% graduating from high school on time (1991)	70%	69%

STATUS OF MINORITIES IN HIGHER EDUCATION

	White				Black				Hispanic			
	High School Graduates Number	First-Time Freshmen Number	High School Graduates Percent	First-Time Freshmen Percent	High School Graduates Number	First-Time Freshmen Number	High School Graduates Percent	First-Time Freshmen Percent	High School Graduates Number	First-Time Freshmen Number	High School Graduates Percent	First-Time Freshmen Percent
Access to College	26,127	11,164	66%	68%	10,668	3,545	27%	22%	901	431	2%	3%
Full-Time Undergraduate Enrollment at TWIs and HBCUs	49,044	74,551	100%	100%	52%	7,677	100%	100%	10,303	100%	100%	34%
	39,836	57,843	81%	78%	45%	414	5%	8%	830	8%	100%	100%
	4,863	7,647	10%	10%	57%	6,875	90%	88%	9,107	88%	32%	32%
Bachelor's Degrees and Doctorates Awarded	15,598	19,235	100%	100%	23%	587	100%	100%	838	100%	43%	43%
	12,852	15,017	82%	78%	17%	472	80%	65%	542	65%	15%	15%
	1,698	2,348	11%	12%	38%	26	4%	3%	23	3%	-12%	-12%
Graduate and Professional Enrollment	21,318	39,263	100%	100%	84%	3,605	100%	100%	3,849	100%	7%	7%
	17,096	29,067	80%	74%	70%	3,204	89%	74%	2,856	74%	11%	11%
	2,010	4,269	9%	11%	112%	230	6%	14%	539	14%	134%	134%
Full-Time Faculty and Administrators	10,569	8,908	84%	82%	8%	423	368	87%	46	11%	11%	11%

See notes at end of profile section for data sources.

MISSISSIPPI

Demographic Characteristics

Mississippi's population is 31st among the states, and its size changed little during the 1980s. The state ranks 49th among all 50 states and D.C. based on measures of child health, education, and welfare, according to the Annie E. Casey Foundation.

Desegregation Status

Mississippi was one of the original *Adams* states that was referred to the Department of Justice when its statewide desegregation plan was not accepted by OCR in 1973. In March 1975, the Justice Department joined a suit filed in Mississippi by black plaintiffs, and this ongoing litigation is known as the *Ayers v. Fordice* case. A new trial was held on the case in the spring of 1994, after the case was remanded to the district court from the U.S. Supreme Court in 1992. In March 1995, the district court issued a ruling interpreting the Supreme Court's decision (see Chapter 2).

The State's Higher Education System

Among the state's eight public four-year institutions are three HBCUs: Alcorn State, Jackson State, and Mississippi Valley State universities. In addition, the state has 15 community colleges. Almost 110,000 students were enrolled in Mississippi's public institutions in 1992, including 58,000 at four-year institutions and 51,000 at two-year institutions.

Access to College

Comparison of high school graduates to freshmen: Data from 1990 show that blacks accounted for a larger percentage of high school graduates than first-time freshmen, while the opposite was true for whites.

Black Enrollment at TWIs

Black enrollment in TWIs increased dramatically from 1980 to 1992 — from just under 1,000 students to almost 14,000. In 1980, blacks represented only 4 percent of full-time undergraduates in TWIs; by 1992 this percentage grew to 21 percent.

White Enrollment at HBCUs

From 1980 to 1992, white undergraduate enrollment at the state's HBCUs remained virtually the same. The number of white undergraduates dropped slightly from 1980 to 1992 (from 130 students to 106 students), and the proportion did not change.

Degrees Conferred

- Fewer blacks earned bachelor's degrees in Mississippi in 1991 than in 1979, data show. This decline of 16 percent contrasted sharply with the 11 percent increase for white students during this period. Because of these trends, blacks earned only about one of every five bachelor's degrees in Mississippi during 1991, compared with one of every four degrees in 1979.
- Between 1979 and 1991, the number of doctorates awarded to blacks rose slightly, from 16 to 22. Black representation among Ph.D. recipients was still far below their representation among the state's population (6 percent vs. 36 percent).
- Blacks also lost ground at the graduate level from 1982 to 1992. While more white students attended graduate school, black enrollment fell 6 percent, leaving blacks with a lower share of total enrollment.
- Black students achieved a slight increase at the first professional level from 1980 to 1992, but they remain severely underrepresented. In 1992, blacks accounted for 6 percent of all professional school enrollment.

Graduate and Professional Enrollment

Faculty and Administrators

Compared with the other states studied, the representation of blacks among the state's faculty and administrators is fairly high — about 14 percent. The majority of these individuals are employed by Mississippi HBCUs: about 350 of the 680 black faculty and 21 of the 33 black administrators work for HBCUs.

Innovative Program/Policy

Mississippi Valley State University, one of the state's three historically black public institutions, sponsors "The Algebra Project," which develops middle school students' basic math skills to prepare them for the high school college-prep mathematics sequence. Part of a national effort with more than two dozen local sites, the project has been conducted by the math/computer science and education departments at Mississippi Valley since 1992. At Mississippi Valley, there are two major components:

- Summer sessions in which sixth- and seventh-grade teachers receive training on teaching basic concepts and methods that need to be learned, based on a curriculum developed by the national project. Participating schools are self-selected; any school system that decides to participate must send all sixth- and seventh-grade teachers and adopt the national curriculum.
- Saturday workshops, put on at Mississippi Valley, for both students and teachers. The students practice math problems and work with tutors, while the teachers practice delivering lessons and are critiqued by project staff members.

Mississippi Valley hopes to develop a third component that would send education majors into the schools to work on-site with students, but logistics have kept the department of education from implementing this component. Currently, The Algebra Project is undergoing an evaluation and results are not yet available.

Governor. Kirk Fordice (R)

Key Education Committee Chairpersons

Sen. Ronnie Musgrove, Sen. Education Committee**Rep. William McCoy, House Education Committee**

% of legislators who are black: 27%

**1990 Population
(in thousands)**

	Number	Percent
Total	2,573	100%
White	1,633	64%
Black	915	36%
Hispanic*	16	1%
Other	25	1%

Other Indicators

% of children living in poverty (1992)	33%	21%
% of population under 18 that is minority (1990)	47%	31%
% graduating from high school on time (1991)	61%	69%

Mississippi**National Average****STATUS OF MINORITIES IN HIGHER EDUCATION**

* Hispanics may be of any race; therefore, totals will not add to 100 percent

	White		Black		Hispanic	
	High School Graduates Number	First-Time Freshmen Number	High School Graduates Number	First-Time Freshmen Number	High School Graduates Number	First-Time Freshmen Number
1992	12,152	12,720	10,495	7,040	50	74
		63%		46%		35%
						0.2%
						0.4%
Traditionally White Institutions						
	1980 Number	1992 Number	% Change, 1980-92	1980 Number	1992 Number	% Change, 1980-92
Total	26,937	67,683	151%	11,402	10,101	-11%
White	24,920	52,335	110%	130	106	-18%
Black	956	13,878	1352%	11,076	9,911	-11%
Bachelor's Degrees						
	1979 Number	1991 Number	% Change, 1979-91	1979 Number	1991 Number	% Change, 1979-91
Total	8,682	9,106	5%	216	340	57%
White	6,307	7,017	11%	187	249	33%
Black	2,230	1,868	-16%	16	22	38%
Graduate Enrollment						
	1980 Number	1992 Number	% Change, 1980-92	1980 Number	1992 Number	% Change, 1980-92
Total	8,236	10,444	27%	1,642	1,800	3%
White	5,616	7,142	27%	1,540	1,630	-2%
Black	2,053	1,724	-16%	81	112	71%
First Professional Enrollment						
	1980 Number	1992 Number	% Change, 1980-92	1980 Number	1992 Number	% Change, 1980-92
Total	8,236	10,444	27%	1,642	1,800	3%
White	5,616	7,142	27%	1,540	1,630	-2%
Black	2,053	1,724	-16%	81	112	71%
Administrators						
	Total	White Number	Black Number	Total	White Number	Black Number
1991	5,363	4,451	83%	238	203	85%
			13%			14%

See notes at end of profile section for data sources.

NORTH CAROLINA

Demographic Characteristics

The population of North Carolina grew by about 13 percent in the 1980s, making the state the 10th largest. The state has the seventh largest black population. North Carolina does not have a strong record with respect to the condition of its children, according to the Annie E. Casey Foundation, which ranked the state 42nd among all 50 states and D.C. based on measures of child health, education, and welfare.

Desegregation Status

Although North Carolina was one of the original *Adams* states, its desegregation efforts evolved very differently from the others. In 1978, the state's community college system submitted a plan separate from the University of North Carolina (UNC) system, which was accepted. The community college system operated under plans accepted by HEW in 1978 and amended in 1983. The last community college plan expired in the fall of 1985, and in 1988 OCR declared the community college system in compliance with Title VI.

In 1978 and 1979, the UNC system also submitted several plans to OCR, but they were rejected. OCR, unable to secure voluntary compliance, issued a notice of opportunity for hearing. UNC appealed to the federal district court for the Eastern District of North Carolina to enjoin the administrative proceedings; in June 1979, the court denied UNC's motion to enjoin the administrative hearing but simultaneously prevented HEW from withholding federal financial assistance prior to conducting the hearing. In 1980, then-Education Secretary Terrel Bell worked with UNC President William Friday, and the plan submitted to district court in North Carolina was approved and became known as the Consent Decree. (The NAACP Legal Defense and Educational Fund noted: "Secretary Bell agreed to the provisions of the Consent Decree, notwithstanding the fact that OCR had actually rejected a much stronger plan.") The Consent Decree expired in 1988 and the development of a new decree was not required by the courts.

The State's Higher Education System

The state system includes 17 four-year institutions and 58 two-year institutions. North Carolina has five HBCUs among its senior institutions: Elizabeth City State, Fayetteville State, North Carolina A&T, North Carolina Central, and Winston-Salem State universities. More than 316,000 students attended the state's institutions of higher education in 1992, with students equally divided between North Carolina's two-year and four-year campuses (159,000 and 157,000, respectively).

Access to College

Progress toward goals: Unlike the OCR criteria, the decree did not require the elimination of racial disparity in the college-going rate.

Comparison of high school graduates to freshmen: When a comparison of high school graduates and first-time freshmen is used to measure access, data show that the black proportion of high school graduates is greater than the black share of first-time freshmen, while the reverse is true for whites.

Black Enrollment at TWIs

The consent decree set a goal of 10.6 percent black enrollment for TWIs by 1986; although the state did not reach this percentage goal by 1986, it surpassed it by 1992.

White Enrollment at HBCUs

The consent decree set a goal of 15 percent for white enrollment in HBCUs by the 1986-87 academic year. Although this goal was met and exceeded at four of the five HBCUs, white enrollment at all HBCUs did not reach 15 percent by 1992.

Degrees Conferred

- Blacks registered a 9 percent gain in bachelor's degrees awarded from 1979 to 1991. White students showed a much higher gain of 21 percent during this period. Despite their numerical gains, blacks accounted for 15 percent of all degrees awarded in 1991, a small drop from their share in 1979.
- The number of doctorates earned by blacks more than doubled during the 1980s — from 19 in 1979 to 44 in 1991. Again, despite this increase, the proportion of blacks among Ph.D. recipients fell below their representation among the state's residents (5 percent vs. 22 percent).

Graduate and Professional Enrollment

- Blacks registered a 64 percent gain in graduate enrollment during the 1980s; yet their representation among graduate students increased slightly, from 9 percent to 10 percent.
- Similarly, at the first professional level, numerical increases for blacks led to a small proportional gain, from 8 percent to 10 percent.

Faculty and Administrators

In 1991, blacks accounted for a larger share of the administrators at the state's colleges and universities than they did faculty — 12 percent vs. 9 percent. Yet, as in other states, half of the black administrators employed by public institutions of higher education were employed by HBCUs; those black faculty hired by HBCUs represented 40 percent of the state total.

Innovative Program/Policy

Since 1987, the graduate school at the University of North Carolina-Chapel Hill has sponsored a 10-week summer program that engages minority undergraduates in research projects, aiming to increase their interest in attending graduate school. After analyzing demographic indicators, the graduate school developed the Summer Pre-Graduate Research Experience Program, targeting black and Native American students who have completed their junior year and are interested in research opportunities. Program staff contact all of the state's public and private institutions and historically black institutions throughout the South in their recruitment efforts, and since 1987 have brought more than 150 minority students to the UNCCH campus to conduct research and write a research report under the direction of a faculty preceptor. More than half of the program's participants have come from North Carolina colleges and universities, and the majority of students worked in the natural sciences, the social and behavioral sciences, and the humanities. (Pre-professional students are not eligible to participate.)

Other components of the program also aim to stimulate interest and prepare students for graduate school life. Participants meet with successful minority graduate students and postdoctoral fellows on campus and attend seminars and workshops that build their test-taking, writing, and computer skills and inform them of financial aid and career opportunities. The program recognizes the potential financial pressures students face and offers a \$2,500 stipend, a \$1,000 food allowance, free on-campus housing, and, when necessary, support for round-trip travel to the campus. Interest in the program has increased dramatically over the years. Typically, 30 students are admitted to the program each year, however, a large applicant pool led to 48 students being accepted into the 1994 summer program. The graduate school is setting up a system to monitor students' academic careers after participating in the program; results show that more than half of all participants have attended graduate school, and two have earned their Ph.D.'s.

Governor: Jim Hunt (D)

Key Education Committee Chairpersons

Sen. Clark Plexico, Sen. Education Committee**Rep. Steve Woods, House Education Committee**

% of legislators who are black: 14%

* Hispanics may be of any race, therefore, totals will not add to 100 percent.

1990 Population (in thousands)		Other Indicators		North Carolina	National Average
Total	6,629	Percent			
White	5,008	100%	% of children living in poverty (1992)	19%	21%
Black	1,456	76%	% of population under 18 that is minority (1990)	32%	31%
Hispanic*	77	22%	% graduating from high school on time (1991)	67%	69%
Other	164	1%			
		3%			

STATUS OF MINORITIES IN HIGHER EDUCATION

White		Black		Hispanic	
High School Graduates Number	First-Time Freshmen Number	High School Graduates Number	First-Time Freshmen Number	High School Graduates Number	First-Time Freshmen Number
1992	42,060	1992	7,718	1992	257
	69%		28%		1%
Traditionally White Institutions					
1980	1992	1980	1992	1980	1992
Number	Number	Number	Number	Number	Number
Total	70,071	149,746	100%	13,077	100%
White	62,816	123,475	82%	822	6%
Black	5,309	19,925	13%	11,965	91%
Bachelor's Degrees					
1979	1991	1979	1991	1979	1991
Number	Number	Number	Number	Number	Number
Total	23,640	28,795	100%	739	100%
White	19,309	23,352	81%	650	88%
Black	3,858	4,210	15%	19	3%
Graduate Enrollment					
1980	1992	1980	1992	1980	1992
Number	Number	Number	Number	Number	Number
Total	18,644	31,895	100%	5,571	100%
White	15,450	24,782	78%	4,982	89%
Black	1,887	3,426	11%	453	8%
Faculty					
Total	17,420	15,116	87%	878	759
Administrators					
1991	17,420	15,116	87%	878	759
Historically Black Colleges and Universities					
1980	1992	1980	1992	1980	1992
Number	Number	Number	Number	Number	Number
Total	13,077	15,964	100%	13,077	100%
White	822	1,919	12%	822	6%
Black	11,965	13,784	86%	11,965	91%
Doctorates					
1979	1991	1979	1991	1979	1991
Number	Number	Number	Number	Number	Number
Total	739	872	100%	739	100%
White	650	611	70%	650	88%
Black	19	44	5%	19	3%
First Professional Enrollment					
1980	1992	1980	1992	1980	1992
Number	Number	Number	Number	Number	Number
Total	5,571	6,088	100%	5,571	100%
White	4,982	5,069	83%	4,982	89%
Black	453	612	10%	453	8%
Administrators					
Total	878	759	86%	878	759
Access to College					
1992	42,060	1992	7,718	1992	257
	69%		28%		1%
Full-Time Undergraduate Enrollment at TWIs and HBCUs					
1980	1992	1980	1992	1980	1992
Number	Number	Number	Number	Number	Number
Total	70,071	149,746	100%	13,077	100%
White	62,816	123,475	82%	822	6%
Black	5,309	19,925	13%	11,965	91%
Bachelor's Degrees and Doctorates Awarded					
1979	1991	1979	1991	1979	1991
Number	Number	Number	Number	Number	Number
Total	23,640	28,795	100%	739	100%
White	19,309	23,352	81%	650	88%
Black	3,858	4,210	15%	19	3%
Graduate and Professional Enrollment					
1980	1992	1980	1992	1980	1992
Number	Number	Number	Number	Number	Number
Total	18,644	31,895	100%	5,571	100%
White	15,450	24,782	78%	4,982	89%
Black	1,887	3,426	11%	453	8%
Full-Time Faculty and Administrators					
1991	17,420	15,116	87%	878	759

See notes at end of profile section for data sources

PENNSYLVANIA

Demographic Characteristics

Pennsylvania is the fifth-largest state in the nation. Compared with other states selected for this study, it ranks the second highest — 20th among all 50 states and D.C. — on measures of child health, education, and welfare, according to the Annie E. Casey Foundation.

Desegregation Status

Pennsylvania was one of the original *Adams* states and, as such, submitted statewide desegregation plans. When the state's 1983 plan expired in academic year 1988-89, OCR did not find the state in compliance with Title VI and continued its oversight. OCR's final evaluation of the state is still pending.

The State's Higher Education System

The state system includes 45 four-year institutions and 19 two-year institutions. Lincoln and Cheyney State universities, the state's only HBCUs, are considered state-related institutions. In 1992, about 363,000 students enrolled in Pennsylvania's public colleges and universities, with 243,000 attending four-year institutions and 120,000 attending two-year institutions.

Access to College

Progress toward goals: Unlike other states, whites, blacks, and Hispanics in Pennsylvania have relatively the same proportions among high school graduates as among first-time freshmen.

Black Enrollment at TWIs

One of the plan's goals stated black students should represent almost 7 percent of all students at TWIs by 1987. While the state did show progress in both proportion and numerical enrollment increases, Pennsylvania did not reach this goal. Black enrollment at TWIs fluctuated during the 1980s, and by 1990, the number and proportion of blacks attending TWIs had actually dropped, from 12,909 or 7 percent in 1980 to 9,724 or 6 percent in 1990.

White Enrollment at HBCUs

During the 1980s, losses were recorded in both the number and proportion of whites attending Pennsylvania's two HBCUs, Lincoln and Cheyney state universities.

Degrees Conferred

- Data on the number of bachelor's degrees awarded to blacks showed virtually no change from 1979 to 1991. During that time, however, total degrees and degrees awarded to whites showed gains of 14 percent and 12 percent. As a result of these trends, blacks earned less than 4 percent of all bachelor's degrees in Pennsylvania during 1991, a slight decrease from 1979.

- Doctorates earned by blacks increased slightly from 47 in 1979 to 53 in 1991.

Graduate and Professional Enrollment

- The number of black graduate students increased 36 percent during the 1980s; this rate was similar to the growth in total enrollment in the state for that period.

- Enrollment of blacks at professional schools remained level from 1980 to 1990, while white enrollment declined sharply. As a result, blacks achieved a small proportional gain during the decade.

Faculty and Administrators

In 1991, blacks represented 3 percent and 4 percent of the full-time faculty and administrators at public colleges and universities in Pennsylvania.

The main campus of Pennsylvania State University sponsors the Center for Minority Graduate Opportunities and Faculty Development. Central to the center's work is providing training, support, and assistance to minority coordinators, who are designated from each college in the university to help recruit and retain minority faculty. The center also sponsors the annual Pennsylvania Conference on Graduate Opportunities for black and Hispanic students, which encourages undergraduates to make early decisions to attend graduate school and provides intensive workshops on how to apply to graduate school.

TENNESSEE

Demographic Characteristics

Tennessee is ranked 17th among the states by population. The state does not have a strong record with respect to the condition of its children, according to the Annie E. Casey Foundation, which ranked the state 48th among all 50 states and D.C. based on measures of child health, education, and welfare.

Desegregation Status

Tennessee's involvement in desegregation litigation preceded the *Adams* case, with a case now known as *Geier v. Sundquist* first filed in 1968. As part of this ongoing litigation, Tennessee was required to establish a Desegregation Monitoring Committee, which files reports on the state's efforts with the court annually.

The State's Higher Education System

Tennessee operates 10 four-year institutions and 14 two-year institutions. The state has two HBCUs: Tennessee State University and Shelby Community College. In 1992, the state enrolled 192,000 students in its public colleges and universities, with 115,000 enrolled in four-year institutions and 77,000 enrolled in two-year institutions.

Access to College

Progress toward goals: Tennessee's plans did not specifically refer to reducing the gap between black and white college attendance rates, and data addressing this criterion are not available.

Comparison of high school graduates to freshmen: The state did monitor the number and percentage of blacks among first-time freshmen, yet did not collect comparable data on their white counterparts. Annual reports show that the proportion of black students among all first-time freshmen hovered around 16 percent throughout the 1980s. Data show that blacks and Hispanics held roughly the same share of high school graduates as first-time freshmen.

Black Enrollment at TWIs

■ **Headcount enrollment:** The state did not set overall enrollment goals for TWIs as a group; objectives were set for individual institutions. According to the goals set in 1986, only three of the state's nine TWIs had reached these goals by the 1990-91 target year. Headcount enrollment figures show that Tennessee increased the number and proportion of black students at TWIs, with blacks representing 11 percent of all students in 1992, up from 9 percent in 1986.

■ **Full-time undergraduate enrollment:** For full-time enrollments, the number of blacks enrolled at the public TWIs increased dramatically, but parallel increases in white enrollments kept the proportion of blacks roughly the same.

White Enrollment at HBCUs

■ **Headcount enrollment:** Tennessee State University, the state's only four-year HBCU, also had headcount enrollment targets for whites which it failed to reach. By 1990, the plan stated that whites were to represent 45 percent of all students, yet the proportion of white undergraduates at TSU increased at a slower pace than expected, from 26 percent in 1980 to 30 percent in 1990. (By 1992, the proportion had reached 34 percent.)

■ **Full-time enrollment:** Similar to most states studied, the number of white students attending HBCUs full time is much lower than headcount enrollment indicates. Still, the number and proportion of white full-time undergraduates at TSU doubled during the 1980s.

Degrees Conferred

■ In 1991, the number of bachelor's degrees earned by blacks had fallen by more than 300 when compared to 1979.

- Between 1979 and 1991, the number of doctorates awarded to blacks rose moderately — from 29 to 47. However, blacks still accounted for only 7 percent of all Ph.D. recipients, despite representing 16 percent of the state's population.

Graduate and Professional Enrollment

Tennessee set enrollment goals for its graduate and professional programs, rather than set the type of access goals that OCR had required in *Adams* states. Similar to its undergraduate goals, Tennessee set targets for individual institutions, rather than overall goals for the state.

- In 1985, only three of the state's graduate schools had met or exceeded their goals, and four of the seven professional programs had reached their target. By 1992, four of the graduate schools and five of the professional programs met or exceeded the goals for that year.
- Despite these individual institutions reaching their targets, data show that during the 1980s, Tennessee posted numerical, but not proportional, gains in its black graduate enrollments, and slight numerical and proportional increases for blacks in professional school.

Faculty and Administrators

The proportion of blacks among public college administrators is higher than the proportion of black faculty at the state's higher education institutions. In 1991, 11 percent of the administrators at public institutions were black, compared with 8 percent of the faculty at these institutions.

Innovative Program/Policy

For more than 15 years now, Tennessee's Higher Education Commission has provided incentives to the state's public institutions of higher education to reach certain outcomes on a variety of measures. The Performance Funding Program allocates funds above those provided in formula funding to institutions based on their progress in areas including the number of programs receiving accreditation, the percentage of students scoring above the mean on licensing/certification exams, the placement of graduates from two-year institutions, etc. This incentive funding has ranged from 2 percent to almost 6 percent.

In the early 1990s, disappointment over previous efforts by Tennessee's public higher education institutions to attract, retain, and graduate minority students led the state to add a new component to its performance funding program targeted specifically at minority student progress. In 1992, the program was revised to include assessments of enrollment and retention of minority students. In determining whether awards will be granted, Tennessee's public universities and community colleges will be evaluated annually based on institutional goals set annually by the state's desegregation monitoring committee. As of 1994, no institutions have received awards under this new component.

Governor: Donald Sundquist (R)

Key Education Committee Chairpersons

Sen. Andy Womack, Sen. Education Committee**Rep. Eugene Davidson, House Education Committee**

% of legislators who are black: 12%

* Hispanics may be of any race, therefore, totals will not add to 100 percent

Other Indicators

	Tennessee	National Average
% of children living in poverty (1992)	26%	21%
% of population under 18 that is minority (1990)	22%	31%
% graduating from high school on time (1991)	69%	69%

**1990 Population
(in thousands)**

	Number	Percent
Total	4,877	100%
White	4,048	83%
Black	778	16%
Hispanic*	33	1%
Other	51	1%

STATUS OF MINORITIES IN HIGHER EDUCATION

Access to College	White		Black		Hispanic	
	High School Graduates Number	First-Time Freshmen Number	High School Graduates Number	First-Time Freshmen Number	High School Graduates Number	First-Time Freshmen Number
1992	34,514	16,740	7,733	3,211	132	130
	77%	82%	17%	16%	0.30%	0.60%
Full-Time Undergraduate Enrollment at TWIs and HBCUs	Historically Black Colleges and Universities					
	1980 Number	1992 Number	% Change, 1980-92	1980 Number	1992 Number	% Change, 1980-92
	63,408	97,086	53%	4,998	4,684	-6%
	54,679	83,073	52%	455	943	107%
	6,594	11,002	67%	4,202	3,628	-14%
Bachelor's Degrees and Doctorates Awarded	Doctorates					
	1979 Number	1991 Number	% Change, 1979-91	1979 Number	1991 Number	% Change, 1979-91
	21,251	18,063	15%	564	642	14%
	15,341	15,703	2%	460	453	-2%
	1,908	1,592	-17%	29	47	62%
Graduate and Professional Enrollment	First Professional Enrollment					
	1980 Number	1992 Number	% Change, 1980-92	1980 Number	1992 Number	% Change, 1980-92
	14,547	23,750	63%	7,069	5,548	-22%
	12,112	19,348	61%	5,902	4,270	-28%
	1,244	1,936	56%	942	860	-9%
Full-Time Faculty and Administrators	Administrators					
	Faculty Total	White Number	Black Number	Percent	White Number	Black Number
1991	10,690	9,314	87%	652	575	88%
			8%			70
						11%

See notes at end of profile section for data sources

TEXAS

Demographic Characteristics

Texas remained the third-largest state in the nation in 1990, after experiencing a 2.7 million-person gain during the 1980s. Blacks and Hispanics accounted for three of every five new Texans in the 1990s, and the state has the second-largest Hispanic population and the third-largest black population. The state is ranked 28th among all 50 states and D.C., based on measures of child health, education, and welfare, by the Annie E. Casey Foundation.

Desegregation Status

Texas was one of the "second tier" *Adams* states. Recently, the state was a defendant in a lawsuit entitled *League of United Latin American Citizens (LULAC) et al. v. Ann Richards* in which it prevailed against a claim by Hispanic citizens that the state discriminated against them by the inequitable funding distribution for the state's higher education system.

Texas was one of the original *Adams* states and, as such, submitted statewide desegregation plans. When the state's plans expired in 1988, OCR did not find the state in compliance with Title VI and continued its oversight. OCR's final evaluation of the state is still pending.

The State's Higher Education System

In Texas, there are 40 public four-year institutions, including two HBCUs (Prairie View A&M and Texas Southern universities) and 65 public two-year institutions. In 1992, these institutions enrolled 832,000 students, with 421,000 at four-year institutions and 411,000 at two-year institutions.

Access to College

Progress toward goals: In 1983-84, 27 percent of black and 22 percent of Hispanic high school graduates were first-time freshmen, compared with 40 percent of whites. By 1988-89, these rates increased for blacks and Hispanics, yet they did not reach the rates of whites (35 percent of blacks, 32 percent of Hispanics, and 50 percent of whites.) More recent data is not available.

Comparison of high school graduates to freshmen: Hispanics have a larger share of the high school graduates than first-time freshmen, while whites account for a bigger proportion of first-time freshmen than high school graduates. Blacks are represented equally in the two groups.

Black and Hispanic Enrollment at TWIs

Enrollment in public colleges and universities grew dramatically in Texas during the 1980s, leading to impressive numerical gains for both black and Hispanic undergraduates in TWIs. The number of both black and Hispanic students almost doubled, yet neither group's share among all undergraduates changed much.

White and Hispanic Enrollment at HBCUs

Student bodies at HBCUs in Texas became more diverse in the 1980s. In 1980, 79 percent of undergraduates at HBCUs were black, 0.5 percent were Hispanic, and 0.1 percent were white; by 1992, black students accounted for 77 percent of HBCU enrollments, the proportion of white students rose to 8 percent, and Hispanic undergraduates represented 7 percent.

Degrees Conferred

- Earned degrees data show that Hispanic students had the largest gains compared to whites and blacks from 1979 to 1991. The gain for Hispanics — 52 percent — was more than twice the rate of increase in the general student population during that time. Blacks also realized a gain during the period, but this increase — 11 percent — trailed whites. As a result, blacks' share of degrees dropped slightly while the share for Hispanics increased by 2 percentage points.

Graduate and Professional Enrollment

- Both blacks and Hispanics experienced gains in the number of doctorates earned during the 1980s. For blacks, the number more than doubled (from 29 to 69), and for Hispanics, the number grew from 47 to 68.
- Both blacks and Hispanics increased their share of first professional enrollments from 1982 to 1992, while whites suffered a decline and total enrollment in professional schools fell. Hispanics also showed the largest gain in graduate enrollment during the decade, while blacks showed the smallest of the three groups. As a result, Hispanics registered a small proportional gain while both whites and blacks experienced a decrease.

Faculty and Administrators

When compared to their share of the state's population, blacks and Hispanics are severely underrepresented among public college and university faculty and administrators. In 1991, blacks and Hispanic professors accounted for only 5 percent each of the state's professoriate; similarly, 5 percent and 7 percent of the officials at public institutions were black and Hispanic, respectively.

Innovative Program/Policy

In El Paso, the presidents of the University of Texas at El Paso and El Paso Community College are key players in a comprehensive effort known as the El Paso Collaborative for Academic Excellence, aimed at increasing minority high school graduation rates and college participation rates. College, education, and business leaders have joined together in this effort, one of six similar programs funded by the Pew Charitable Trusts Community Compacts Initiative. At monthly meetings attended by UTEP and EPCC presidents, the three local school superintendents and other local leaders work out the details of the plan, ranging from admissions requirements to course offerings to how to set up a health clinic in a local school.

The collaborative was launched formally three years ago, yet the city's leaders have been working on initiatives linking K-12 to higher education since 1991. In the group's three-page mission statement, academic success was defined as a series of competencies that would allow students to complete grade 14 with all career and university options open to them. As program sponsors have acknowledged, it will take several years for all aspects of the plan to be implemented and results to be evident.

Governor: George Bush (R)

Key Education Committee Chairperson

Sen. Paul Sadler, House

Public Education Committee

% of legislators who are black: 8%

% of legislators who are Hispanic: 18%

* Hispanics may be of any race; therefore, totals will not add to 100 percent.

Other Indicators

Number	Percent	Texas	National Average
16,987	100%		
12,774	75%	23%	21%
2,022	12%	49%	31%
4,340	26%	67%	69%
2,190	13%		

STATUS OF MINORITIES IN HIGHER EDUCATION

White				Black				Hispanic			
High School Graduates				High School Graduates				High School Graduates			
Number	Percent	First-Time Freshmen Number	Percent	Number	Percent	First-Time Freshmen Number	Percent	Number	Percent	First-Time Freshmen Number	Percent
85,219	58%	42,938	69%	17,983	12%	7,500	12%	40,706	282%	7,450	12%
Historically Black Colleges and Universities											
Traditionally White Institutions				Doctorates				First Professional Enrollment			
Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
200,456	100%	303,866	100%	9,639	100%	12,425	100%	1,612	100%	2,304	100%
158,063	79%	230,826	76%	9	0%	968	8%	1,317	82%	1,420	62%
11,220	6%	21,374	7%	7,635	79%	9,518	77%	29	2%	69	3%
21,924	11%	32,299	11%	44	0.5%	1,136	9%	47	3%	68	3%
Bachelor's Degrees											
Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
53,656	100%	65,112	100%	1,612	100%	2,304	100%	1,612	100%	2,304	100%
43,533	81%	50,138	77%	1,317	82%	1,420	62%	1,317	82%	1,420	62%
3,177	6%	3,524	5%	29	2%	69	3%	29	2%	69	3%
4,653	9%	7,065	11%	47	3%	68	3%	47	3%	68	3%
Graduate Enrollment											
Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
69,808	100%	100,669	100%	18,228	100%	16,969	100%	18,228	100%	16,969	100%
52,332	75%	70,480	70%	16,275	89%	12,640	74%	16,275	89%	12,640	74%
4,333	6%	5,128	5%	649	4%	998	6%	649	4%	998	6%
4,874	7%	8,256	8%	995	5%	1,517	9%	995	5%	1,517	9%
Faculty and Administrators											
Total	White Number	Black Number	Hispanic Number	Total	White Number	Black Number	Hispanic Number	Total	White Number	Black Number	Hispanic Number
31,585	26,780	1,519	1,703	1,406	1,214	98	69	1,406	1,214	98	69
85%	85%	5%	5%	86%	86%	7%	5%	86%	86%	7%	5%

See notes at end of profile section for data sources

VIRGINIA

Demographic Characteristics

Virginia is the 12th-largest state in the nation, and it has the 11th-largest black population, according to the 1990 Census. Virginia's record on measures of child health, education, and welfare is the best of the Southern states — 15th among all 50 states and D.C. — according to the Annie E. Casey Foundation.

Desegregation Status

Virginia was one of the original *Adams* states, and submitted statewide desegregation plans to OCR. When the state's plans expired in 1986, OCR did not find the state in compliance with Title VI and continued its oversight. OCR's final evaluation of the state is still pending.

The State's Higher Education System

There are 15 public four-year institutions and 24 public two-year institutions in the state system. Virginia supports two public HBCUs, Norfolk State and Virginia State universities. In 1992, enrollment in public institutions reached almost 298,000, with 163,000 in four-year colleges and universities and 134,000 in two-year colleges.

Access to College

Progress toward goals: In its 1978 plan (which was accepted by OCR in early 1979), Virginia established the goal of eliminating the disparity between black and white college-going rates by the 1982-83 academic year. In 1978, 37 percent of the state's black high school graduates enrolled as first-time freshmen in the fall, compared with 42 percent of white high school graduates. By 1982-83, the gap widened, with 41 percent of white high school graduates attending college in the fall and 31 percent of their black peers doing so. Comparable data is not available for more recent years.

Comparison of high school graduates to freshmen: Proportions among high school graduates and first-time freshmen are almost equal for blacks, Hispanics, and whites.

Black Enrollment at TWIs

During the 1980s, Virginia doubled the number of black undergraduates enrolled in public TWIs. In 1980, black students accounted for 7 percent of the full-time undergraduates at Virginia's TWIs, and this proportion rose to 10 percent in 1992.

White Enrollment at HBCUs

During the 1980s, the number and proportion of white undergraduates at the state's HBCUs doubled from 3 percent to 6 percent.

Degrees Conferred

- Blacks achieved a 22 percent gain in bachelor's degrees from 1979 to 1991, yet this rate of increase trailed the gains registered by whites and by the total student population in the state. Also, despite the growth in black enrollment, their share of degrees declined slightly.
- The number of Ph.D.'s earned by blacks increased from 27 in 1979 to 42 in 1991; their proportion among all doctorate recipients remained the same (5 percent).

Graduate and Professional Enrollment

- Blacks more than doubled their enrollments at first professional schools in Virginia from 1982 to 1992. The rate of growth for blacks was 10 times the growth rate for the rest of the student population, thereby enabling blacks to double their share of enrollments during the period.
- Blacks also showed sizable gains in graduate school enrollments from 1982 to 1992, but the overall student population showed a similar increase. As a result, the proportion of blacks among graduate students remained the same during this period.

Faculty and Administrators

Innovative Program/Policy

In 1991, 8 percent of the faculty at Virginia's public higher education institutions were black; the proportion of blacks was slightly higher among administrators (10 percent).

Established with the goal of increasing the pool of minority students who are prepared for college, the Better Information Project reaches out to students and their parents, and focuses on several activities: introducing Virginia's colleges and universities, outlining admissions requirements and procedures, explaining the financial aid process, and encouraging students to enroll in college prep classes. Run jointly by the State Council of Higher Education and the Department of Education, the project funds presentations, publications, programs, and statewide workshops. Since 1989, project staff and representatives have made more than 250 presentations to parents, students, and counselors in schools, churches, community centers, and via statewide televised broadcasts. The project has distributed more than 785,000 publications (books and posters), targeting students in grades 3-12 and their parents. In addition, the council has produced a series of videos on planning for college and explaining financial aid, and the series is distributed to all schools and public libraries. Two programs have evolved through the project: the Higher Education, Schools and Community Partnership program, which sponsors tutoring, mentoring, teacher training, and leadership activities; and the Summer Pre-College Awareness program, which has provided almost 1,700 high school students the opportunity to live and learn on a college campus. The statewide workshops focus on SAT preparation for students and on the admissions and financial aid process for students and their parents.

034

Full-Time Faculty and Administrators by Race/Ethnicity, 1991

Full-time Faculty

	Total	White No. Percent	Black No. Percent	Hispanic No. Percent
Alabama	9,196	7,601 83%	1,062 12%	77 1%
Florida	17,511	14,817 85%	1,153 7%	813 5%
Georgia	11,407	9,502 83%	1,310 11%	126 1%
Kentucky	7,568	6,973 92%	234 3%	49 1%
Louisiana	8,794	6,966 79%	1,143 13%	143 2%
Maryland	10,569	8,908 84%	828 8%	151 1%
Mississippi	5,363	4,451 83%	683 13%	21 0%
North Carolina	17,420	15,116 87%	1,528 9%	161 1%
Pennsylvania	26,575	24,037 90%	844 3%	374 1%
Tennessee	10,690	9,314 87%	823 8%	105 1%
Texas	31,585	26,780 85%	1,519 5%	1,703 5%
Virginia	13,046	11,365 87%	1,026 8%	109 1%

Full-time Administrators

	Total	White No. Percent	Black No. Percent	Hispanic No. Percent
	556	477 86%	75 13%	1 0%
	1,361	1,153 85%	128 9%	52 4%
	1,163	1,008 87%	137 12%	0 0%
	423	405 96%	13 3%	1 0%
	726	599 83%	101 14%	4 1%
	423	368 87%	46 11%	2 0%
	238	203 85%	33 14%	0 0%
	878	759 86%	103 12%	4 0%
	1,351	1,264 94%	54 4%	3 0%
	652	575 88%	70 11%	1 0%
	1,406	1,214 86%	98 7%	69 5%
	1,264	1,119 89%	125 10%	6 0%

Racial and Ethnic Composition of Full-Time Faculty at Selected Public Institutions, 1991

	Total	Black	White	Hispanic	Other
ALABAMA					
University of Alabama	918	23	848	4	43
Auburn University	1160	22	1073	10	55
Alabama State University*	195	123	51	0	21
Alabama A&M University*	280	146	71	0	63
Other four-year universities	4760	482	3955	54	269
Bishop State Community College*	51	36	14	0	1
Other community colleges	1832	230	1589	9	4
State Total	9196	1062	7601	77	456
FLORIDA					
University of Florida	3191	89	2861	68	173
Florida State University	1170	41	1083	15	31
Florida A&M University*	356	229	104	2	21
Other four-year universities	8010	358	6733	480	439
Community colleges	4784	436	4036	248	64
State Total	17511	1153	14817	813	728
GEORGIA					
University of Georgia	1564	51	1427	11	75
Georgia State University	780	45	699	6	30
Savannah State College*	121	60	45	1	15
Fort Valley State College*	107	62	36	0	9
Albany State College*	138	87	39	1	11
Georgia Institute of Technology	681	19	575	4	83
Other four-year universities	5988	778	4921	65	224
Two-year colleges	2028	208	1760	38	22
State Total	11407	1310	9502	126	469

* Denotes Historically Black Colleges and Universities (HBCUs)

BEST COPY AVAILABLE

Racial and Ethnic Composition of Full-Time Faculty at Selected Public Institutions, 1991 (continued)

KENTUCKY

	Total	Black	White	Hispanic	Other
University of Kentucky (Lexington)	1658	35	1515	7	101
University of Louisville	1132	31	995	20	86
Kentucky State University*	123	30	78	0	15
Other four-year universities	3437	72	3264	18	83
Community colleges	1218	66	1121	4	27
State Total	7568	234	6973	49	312

LOUISIANA

Louisiana State University	1559	42	1392	19	106
Grambling State University*	272	181	54	1	36
Southern University-Baton Rouge*	479	348	66	4	61
Southern University-New Orleans*	120	72	33	5	10
Southern University-Shreveport	61	51	10	0	0
Other four-year universities	5734	336	4981	107	310
Community colleges	569	113	430	7	19
State Total	8794	1143	6966	143	542

MARYLAND

University of Maryland	2157	106	1818	31	202
University of Maryland-Eastern Shore*	251	74	159	0	18
Morgan State University*	245	162	60	0	23
Bowie State University*	122	82	36	1	3
Coppin State College*	105	72	24	0	9
Other four-year universities	5724	181	5071	98	374
Community colleges	1965	151	1740	21	53
State Total	10569	828	8908	151	682

* Denotes Historically Black Colleges and Universities (HBCUs)

Racial and Ethnic Composition of Full-Time Faculty at Selected Public Institutions, 1991 (continued)

MISSISSIPPI

	Total	Black	White	Hispanic	Other
University of Mississippi	467	16	430	3	18
Mississippi State University	765	23	701	5	36
University of Southern Mississippi	679	19	644	2	14
Jackson State University*	302	183	75	3	41
Alcorn State University*	152	91	26	1	34
Mississippi Valley State University*	98	73	14	1	10
Other four-year universities	1180	87	1037	5	51
Community colleges	1720	191	1524	1	4
State Total	5363	683	4451	21	208

NORTH CAROLINA

University of North Carolina	1912	61	1758	28	65
North Carolina State University	1452	70	1304	17	61
North Carolina Central University*	244	151	82	2	9
North Carolina A&T University*	347	209	99	0	39
Winston-Salem State University*	145	92	43	2	8
Fayetteville State University*	185	107	56	3	19
Elizabeth City State University*	102	59	23	1	19
Other four-year universities	8870	421	8025	95	329
Community colleges	4163	358	3726	13	66
State Total	17420	1528	15116	161	615

PENNSYLVANIA

Pennsylvania State University	2508	55	2243	32	178
Cheyney State University*	107	60	37	0	10
Other four-year universities	21567	638	19499	326	1104
Community colleges	2393	91	2258	16	28
State Total	26575	844	24037	374	1320

* Denotes Historically Black Colleges and Universities (HBCUs)

Racial and Ethnic Composition of Full-Time Faculty at Selected Public Institutions, 1991 (continued)

	Total	Black	White	Hispanic	Other
TENNESSEE					
University of Tennessee	1882	73	1726	14	69
Memphis State University	754	41	654	8	51
Tennessee State University*	323	154	142	1	26
Tennessee Technological University	366	15	321	3	27
Other four-year universities	5905	371	5202	75	257
Shelby State Community College	117	39	73	0	5
Other community colleges	1343	130	1196	4	13
State Total	10690	823	9314	105	448
TEXAS					
University of Texas	2101	47	1881	72	101
Texas A&M University	1925	26	1711	61	127
Texas Southern University*	535	426	54	13	42
Texas Tech University	861	7	777	18	59
Prairie View A&M University*	230	167	30	4	29
Other four-year universities	17483	360	15231	799	1093
Community colleges	8450	486	7096	736	132
State Total	31585	1519	26780	1703	1583
VIRGINIA					
University of Virginia	1653	39	1523	17	74
Virginia Commonwealth University	1399	60	1263	16	60
Virginia Polytechnic Institute	1646	39	1500	15	92
Virginia State University*	205	134	54	0	17
Norfolk State University*	339	226	79	1	33
College of William and Mary	473	12	442	3	16
Other four-year universities	5345	382	4697	40	226
Community colleges	1986	134	1807	17	28
State Total	13046	1026	11365	109	546

* Denotes Historically Black Colleges and Universities (HBCUs)

Source: U.S. Equal Employment Opportunity Commission, EEO 6 Higher Education Staff Information Survey (1991)

Racial and Ethnic Composition of Full-Time Administrators at Selected Public Institutions, 1991

	Total	Black	Hispanic	White	Other
ALABAMA					
University of Alabama	54	1	0	53	0
Auburn University	128	3	0	124	1
Alabama State University*	11	3	0	2	0
Alabama A&M University*	22	20	0	1	1
Other four-year universities	239	20	1	217	1
Bishop State Community College	4	4	0	0	0
Other community colleges	98	18	0	80	0
State Total	556	75	1	477	3

FLORIDA					
University of Florida	344	9	2	329	4
Florida State University	76	6	2	66	2
Florida A&M University*	55	44	0	8	3
Other four-year universities	622	41	25	539	17
Community colleges	264	28	23	211	2
State Total	1361	128	52	1153	28

GEORGIA					
University of Georgia	148	5	0	138	5
Georgia State University	138	12	0	126	0
Savannah State College*	16	11	0	3	2
Fort Valley State College*	30	24	0	4	2
Albany State College*	5	4	0	1	0
Georgia Institute of Technology	64	0	0	62	2
Other four-year universities	610	62	0	543	5
Two-year colleges	152	19	0	131	2
State Total	1163	137	0	1008	18

* Denotes Historically Black Colleges and Universities (HBCUs)

Racial and Ethnic Composition of Full-Time Administrators at Selected Public Institutions, 1991 (continued)

KENTUCKY

	Total	Black	Hispanic	White	Other
University of Kentucky (Lexington)	76	3	0	70	3
University of Louisville	40	1	1	38	0
Kentucky State University*	8	4	0	3	1
Other four-year universities	245	3	0	242	0
Community colleges	54	2	0	62	0
State Total	423	13	1	405	4

LOUISIANA

Louisiana State University	148	0	1	146	1
Grambling State University*	36	28	0	4	4
Southern University-Baton Rouge*	35	32	0	2	1
Southern University-New Orleans*	13	10	0	2	1
Other four-year universities	456	27	4	415	10
Community colleges	38	5	1	31	1
State Total	726	102	6	600	18

MARYLAND

University of Maryland	121	11	0	104	6
University of Maryland-Eastern Shore*	20	11	0	9	0
Morgan State University*	10	10	0	0	0
Bowie State University*	4	2	0	2	0
Coppin State College*	2	1	0	1	0
Other four-year universities	203	8	1	193	1
Community colleges	63	3	1	59	0
State Total	423	46	2	368	7

* Denotes Historically Black Colleges and Universities (HBCUs)

Racial and Ethnic Composition of Full-Time Administrators at Selected Public Institutions, 1991 (continued)

	Total	Black	Hispanic	White	Other
MISSISSIPPI					
Mississippi State University	51	2	0	48	1
University of Southern Mississippi	106	6	0	100	0
Jackson State University*	14	12	0	2	0
Alcorn State University*	2	2	0	0	0
Mississippi Valley State University*	9	7	0	1	1
Other four-year universities	38	1	0	37	0
Community colleges	18	3	0	15	0
State Total	238	33	0	203	2

NORTH CAROLINA

University of North Carolina	264	11	2	248	3
North Carolina State University	131	5	0	123	3
North Carolina Central University*	22	18	0	4	0
North Carolina A&T University*	22	22	0	0	0
Winston-Salem State University*	5	4	0	1	0
Fayetteville State University*	3	3	0	0	0
Elizabeth City State University*	8	7	0	1	0
Other four-year universities	413	31	2	374	6
Community colleges	10	2	0	8	0
State Total	878	103	4	759	12

PENNSYLVANIA

Pennsylvania State University	200	6	0	192	2
Other four-year universities	999	44	4	927	24
Community colleges	152	4	0	145	3
State Total	1351	54	4	1264	29

* Denotes Historically Black Colleges and Universities (HBCUs)

Racial and Ethnic Composition of Full-Time Administrators at Selected Public Institutions, 1991 (continued)

TENNESSEE

	Total	Black	Hispanic	White	Other
University of Tennessee	160	8	0	152	0
Memphis State University	67	2	0	63	2
Tennessee State University*	22	13	0	9	0
Tennessee Technological University	44	3	1	40	0
Other four-year universities	305	41	0	260	4
Shelby State Community College	5	3	0	2	0
Other community colleges	49	0	0	49	0
State Total	652	70	1	575	6

TEXAS

University of Texas	81	2	1	77	1
Texas A&M University	115	1	1	109	4
Texas Southern University*	37	36	0	1	0
Texas Tech University	14	0	0	14	0
Prairie View A&M University*	23	19	0	2	2
Other four-year universities	984	30	52	886	16
Community colleges	152	10	15	125	2
State Total	1406	98	69	1214	25

VIRGINIA

University of Virginia	433	23	2	401	7
Virginia Commonwealth University	92	9	0	82	1
Virginia Polytechnic Institute	86	1	0	84	1
Virginia State University*	22	19	0	2	1
Norfolk State University*	20	19	0	1	0
College of William and Mary	30	2	0	28	0
Other four-year universities	354	34	3	316	1
Community colleges	227	18	1	205	3
State Total	1264	125	6	1119	14

* Denotes Historically Black Colleges and Universities (HBCUs)

Source: U S Equal Employment Opportunity Commission, EEO-6 Higher Education Staff Information Survey (1991)

SOURCES/APPENDIX A

Demographic Characteristics

Information on Governors and Legislatures:

Unpublished data (Denver, Colo.: National Council of State Legislatures, 1995).

Population Data:

U.S. Department of Commerce, Bureau of the Census, Press Release CB91-215 (Washington, D.C.: June 12, 1991).

Indicators:

The Annie E. Casey Foundation, *Kids Count Data Book* (Baltimore, Md.: 1993 and 1995).

Status of Minorities in Higher Education

Access to College:

- a) High School Graduates Data:
Unpublished data tabulations, Common Core of Data Files, (Washington, D.C.: National Center for Education Statistics, 1994).
- b) First-time Freshmen Data:
Unpublished data tabulations based on enrollment data from the National Center for Education Statistics' Integrated Postsecondary Education Data System (IPEDS) database (Atlanta, Ga.: Southern Regional Education Board, 1994).
- c) Full-time Undergraduate Enrollment:
Unpublished data tabulations based on enrollment data from the National Center for Education Statistics' Integrated Postsecondary Education Data System (IPEDS) database (Atlanta, Ga.: Southern Regional Education Board, 1994).

Bachelor's and Doctorate Degrees:

Unpublished data tabulations based on earned degrees data from the National Center for Education Statistics' Integrated Postsecondary Education Data System (IPEDS) database as calculated in Nettles, Michael T., *Minority Representation Among Public College and University Degree Recipients, Faculty and Administrators* (Atlanta, Ga.: Southern Education Foundation, 1994).

Graduate and Professional Enrollment:

Unpublished data tabulations based on enrollment data from the National Center for Education Statistics' Integrated Postsecondary Education Data System (IPEDS) database (Atlanta, Ga.: Southern Regional Education Board, 1994).

Selected Data from Twelve States

Unpublished data tabulations based on data from the U.S. Equal Employment Opportunity Commission's EEO-6 Higher Education Survey, as calculated in Nettles, Michael T., *Minority Representation Among Public College and University Degree Recipients, Faculty and Administrators* (Atlanta, Ga.: Southern Education Foundation, 1994).

44

APPENDIX B

MODEL HIGHER EDUCATION DESEGREGATION ORDER

Throughout this report we have stressed the importance of leadership — from state officials, educators, businesses, and private citizens — in creating student-centered, comprehensive, and accountable systems of higher education. We believe that voluntary leadership, working vigorously to provide comprehensive approaches to opportunity, is preferable to action mandated by court order. The best resolution to the issues that we treat in this report will come about through enlightened, committed, and concerted efforts from diverse sectors of society.

We recognize, however, that courts have played, and in all likelihood will continue to play, central roles in ensuring equality of educational opportunity. Staff has consequently prepared the following model order which incorporates many of our recommendations. It is our hope that it will be helpful to those courts which, in the future, may have to respond to the United States Supreme Court's decision in *U.S. v. Fordice*.

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF AZALEA

Case No. 2000

Carlton Webster, et al.,
Plaintiffs,

v.

State of Azalea, et al.,
Defendants.

ORDER
January 15, 1996

This case was brought by a group of black students in the State of Azalea on behalf of themselves and others similarly situated. These plaintiffs, Carlton Webster, et al., alleged that the State of Azalea, the Azalea Board of Higher Education, its State Commissioner of Higher Education, the Azalea State University Board, and the Central University Board had all failed in their obligation to dismantle the *de jure* segregated system of higher education in Azalea in violation of the Fourteenth Amendment.¹

After a 40-day trial, the Court found on August 15, 1995, that the defendants (collectively "Azalea") had failed in their affirmative obligation to dismantle the dual system of higher education to the extent practicable. We will not recount the specifics of that failure here, as they are discussed fully in our previous order. In sum, however, the Court found that numerous Azalea policies, practices, and conditions discriminate against minority students, that much of this discrimination is traceable to the State's prior system of *de jure* segregation in higher education and that, with rare exceptions, most of the offending policies, practices, and conditions have educationally sound, practicable, and nondiscriminatory alternatives. *U.S. v. Fordice*, 112 S. Ct. 2727 (1992).

We found that the State's perpetuation of segregated conditions had two grave effects on educational opportunity in Azalea. First, these policies and practices together maintained a system that directed most white students to traditionally white institutions ("TWIs") and most black students to historically black colleges and universities ("HBCUs"). In other words, despite nominally race-neutral admissions policies (of which some students on campuses throughout Azalea have taken advantage), there is not truly free choice among postsecondary institutions in Azalea. As a result, for example, while blacks make up 30 percent of Azalea's population and 24 percent of high school graduates, they make up only 15 percent of the State's entering freshmen and only 10 percent of the entering class at Azalea's TWIs. In contrast, 94 percent of the students entering Azalea's HBCUs are blacks.

1. Carlton Webster, et al., also sued the State Board of Elementary and Secondary Education claiming that it had failed in its affirmative obligation to remedy to the extent practicable the vestiges of segregation in public school districts throughout the State, including the high dropout rate for minority students. Plaintiffs also claimed that this failure exacerbated the continuing discrimination against blacks in public higher education. Finally, plaintiffs claimed in particular that the State's testing requirements for high school graduation discriminate against minority students in violation of Title VI and also reduce the college-eligible population of minority students. Because of the complexity of these claims and their relationship to numerous pending desegregation suits in which the State has not previously been named as a defendant, this Court severed the claims against the elementary and secondary defendants and proceeded to trial against the higher education defendants first.

Second, the educational opportunities afforded to minority students in Azalea on the whole are not comparable to those afforded whites; at both TWIs and HBCUs many minority students do not have equal educational opportunities. At TWIs, for example, inhospitable campus climates and overwhelmingly white faculties (only 2 percent of full-time faculty at Azalea's TWIs is minority) contribute to a substantially lower graduation rate for minority students. Indeed, less than 7 percent of the 1995 graduates of TWIs were black. At HBCUs, inadequate facilities, fewer resources, and limited programs restrict opportunities for many frequently underprepared students. Furthermore, 40 percent of black postsecondary students attend two-year community colleges and only 7 percent of these students transfer to four-year institutions.

Having found Azalea liable and identified in our previous order these, and other, ongoing effects of its unremedied violation, we gave the parties three months to attempt to develop a joint remedial plan or, in the alternative, to present their own proposed remedies. The parties were not able to reach a consensus and their individual submissions are inadequate to desegregate the system. After 30 days of additional testimony about the parties' remedial proposals, we find that the State's initial remedial plan is inadequate to desegregate its system of higher education to the extent practicable but that the plaintiffs' proposals, on the other hand, give inadequate weight to Azalea's legitimate educational concerns.

Therefore, the Court is compelled to order its own remedy. Nevertheless, in recognition of the deference owed to educators, the Court offers alternative remedies to Azalea wherever possible and leaves the overall coordination of remedial efforts in the State's hands. The Court is cognizant of the fact that its remedies must be consistent with "sound educational practices." Therefore, the Court has relied heavily on the recommendations of educational experts and policymakers from throughout the region in formulating the remedial alternatives presented here. Nine months from today, the State must submit a revised remedial plan consistent with this order. The other parties may submit written comments on this plan, and 10 months from today all parties will appear before the Court for a status conference concerning this plan and its implementation.

While the specific remedial measures approved by the Court have been drawn from disparate sources, including the views of educational leaders and the submissions of the parties, and are set forth according to the particular vestige of segregation to which they most directly relate, the State is encouraged to develop its new remedial plan in a comprehensive rather than a fragmented fashion. Indeed, the Court will evaluate the plan and its success according to the following criterion: Does Azalea offer all students without regard to race a free choice among public postsecondary institutions and equal educational opportunities throughout its system of public higher education?

Free choice and opportunity are measured by whether, absent discriminatory conditions, minority students attend college, graduate, pursue postgraduate studies, and obtain advanced degrees in roughly the same proportions as their white peers. It is appropriate, therefore, that this Court look for measurable progress toward these goals. The Court will require the defendants to report their progress annually in the foregoing areas.

The defendants claim that minority participation at all levels of postsecondary education is limited by inadequate elementary and secondary preparation. This appears true, but it is no defense. While this Court agreed, for procedural purposes, to allow the plaintiffs' claims against elementary and secondary authorities to proceed separately, we will not allow the State, which is ultimately responsible for both elementary and secondary schools and higher education, to absolve one of its parts for the failings of another. The same State government that is responsible for operating the higher education systems also controls many crucial elements of the public schools. Therefore, as set forth below, if the State's higher education authorities believe that reforms at the elementary and secondary level are necessary for it to meet the accountability standards set forth above, they should pursue them.

In addition, the Court finds that absent the continuing vestiges of segregation in Azalea's

colleges and universities, more minority students would attend TWIs, more white students would attend HBCUs, and more blacks would be on the faculty at TWIs. Thus the remedial plan required by this order should move the system in these directions as much as is practicable and consistent with sound educational practices. The Court will require Azalea to report annually its progress in each of these areas as well.

The specific remedial actions discussed below are of two general types. In each area, Azalea may either directly eliminate discriminatory policies, practices, or conditions or may seek, through other means, to alleviate their effects. "Only by eliminating a remnant [of the dual system] that continues to foster segregation or by negating insofar as possible its segregative impact can the State satisfy its constitutional obligation. (*Fordice*, 112 S. Ct. at 2744, O'Connor, J., concurring). The evidence submitted concerning the parties' initial remedial proposals made clear that there are often practical drawbacks to either approach. For example, the Court does not feel qualified to mandate whether, or how, particular standardized tests should be used in admissions decisions, despite the voluminous evidence and lengthy expert testimony on this subject. Thus, while it is clear that Azalea currently relies too much on standardized admissions tests, it is unclear precisely how the State's policies should be changed to be nondiscriminatory. On the other hand, the secondary school intervention programs proposed by the plaintiffs likely would effectively increase minority ACT scores, but would do so at great cost. State authorities must, within limits, be free to balance these competing considerations.

Let those limits be clear, however; the State must adopt a systemwide remedy that is effective — not necessarily in achieving racial balance among institutions or in producing identical academic results (see 112 S. Ct. at 2736 n.4) — but effective in ensuring free choice, unfettered by remnants of State-mandated segregation, and equal opportunity throughout the system, regardless of race. While there are no fixed benchmarks for student enrollment or student success that the Court here mandates, the Court will look to the results of Azalea's remedial efforts in the areas identified above to assist it in determining when the vestiges of segregation are eliminated to the extent practicable.

The basic building blocks which the Court finds necessary to the development of a systemwide remedy for Azalea that is adequate to this task are set forth below:

1. *Admissions Standards.*

- a. **Undergraduate.** This Court found that Azalea's undergraduate admissions standards are traceable to past segregation and have a present discriminatory effect. Azalea's first remedial option in this area is to adopt modified admissions standards that (1) are appropriately tailored to nondiscriminatory institutional missions (see *infra* Section 3) and (2) are fair predictors of student success at each institution, assuming appropriate support and the elimination of discrimination. The State should reevaluate its proposed admissions policies in light of the nondiscriminatory institutional mission designations discussed below. In doing so, the State should not assume that student success rates in the present system are necessarily an appropriate yardstick for developing admissions standards for a desegregated system; in other words, the State cannot use inadequacies in the current system as an excuse for not admitting more black students. Furthermore, to the extent that the State requires certain high school courses for admissions, it should ensure that these courses are available in all of its public high schools. If they are not, an exception to the policy must be allowed.

The State's second remedial option, secondary school intervention programs in the student admissions area, was proposed by the plaintiffs. While the Court will not at this point mandate such intervention (see *supra* Note 1), the State should consider whether improved secondary school preparation could alleviate the discriminatory effects of its admissions policies. A number of specific proposals were made by the plaintiffs to increase minority participation in college preparatory courses. This method could help the State both in its effort to increase minority admissions to its TWIs and to meet the educational needs of these students.

b. **Graduate and Professional.** The Court also found that Azalea's graduate and professional school admissions policies are traceable to past segregation and have a discriminatory effect on minority students. Azalea's admissions standards should be reformed to employ nondiscriminatory predictors of student success. In addition, based on the evidence presented, the Court finds that there is no reason why Azalea's undergraduate programs should not be expected to prepare a roughly equivalent proportion of minority and nonminority students for advanced studies. The State's failure to do so may indicate educational vestiges of segregation in its undergraduate programs. (See, e.g., *Milliken v. Bradley*, 433 U.S. 267 (1977).) At a minimum, the evidence showed that a narrow curriculum, an inhospitable campus climate, and overwhelmingly white faculties at Azalea's TWIs contribute to this problem. Therefore, in addition to reexamining its graduate admissions policies, the State should offer greater support for minority undergraduate students. Plaintiffs have suggested several viable options in this regard. (See *infra* Section 8.) In addition, the State should consider adopting programs — and providing appropriate incentives — that encourage minority students to pursue advanced academic degrees and careers as faculty at higher education institutions in the State.

2. *Program Duplication.*

Program duplication at proximate institutions arose out of segregation and continues to have a discriminatory effect throughout the State and at every level of higher education. With the exception of core areas of undergraduate instruction, the burden is on the State to demonstrate to the Court why any program duplication between proximate institutions should be allowed. Such duplication perpetuates the dual system and unnecessarily drains resources away from other educational needs. The State's plan must include the means by which it will eliminate all unnecessary program duplication.

3. *Mission Assignments.*

The State's Mission Statements for its higher education institutions also reflect and perpetuate the segregated system. The evidence made clear that mere tinkering will not cure this defect. New Mission Statements must ultimately be driven by a systemwide plan as much as by historical institutional roles. This may require dramatic changes for some institutions.

The State's Mission Statements currently reflect two parallel systems: the Azalea State system and the Central system — one white and one black; one disproportionately overfunded, the other underfunded; and one where academic offerings are significantly broader in scope than at the other. This may not continue. Mission differentiation is most critical at proximate institutions. The way in which missions are defined should guide how program duplication is eliminated. Moreover, as in the area of program duplication, so long as a disproportionate number of the plaintiff class attend HBCUs, these institutions should be given primary consideration for enhanced missions.

4. *Unequal Facilities.*

The disparity in facilities between TWIs and HBCUs reflects and perpetuates the segregated system of higher education in Azalea. While the defendants owe no duty to individual institutions themselves, it remains the case that a disproportionate number of black students, in part as a result of numerous State practices, attend HBCUs and that these institutions' facilities are not equal to those at TWIs. Consistent with the new Mission Statements described above, Azalea must upgrade the facilities at HBCUs as a priority. This will serve two important remedial purposes. First, it will immediately benefit the black students now attending them who, this Court finds, have been provided with unequal educational opportunities on the basis of their race. Second, it will help to level the playing field on which, in the future, all institutions in the Azalea system will compete freely for the enrollment of students of all races, based not on their history of segregation, but on their unique missions and high-quality programs.

5. *Number of Institutions.*

Azalea maintains a dozen institutions, six of which constitute pairs of proximate white and black institutions. We found that this practice contributes to the perpetuation of racially identifiable enrollments at these institutions. Three of the four predominantly black institutions constitute the Central system. The fourth is a community college. The three proximate white institutions are part of the Azalea State system. The other predominantly white institutions, including another community college, are also part of the Azalea State system. The State proposed to close Central Tech, an HBCU located proximately to Western Azalea State University, a TWI in Dogwood City. The plaintiffs did not propose the closure or merger of any institutions.

The Court finds that the closure of Central Tech is an inappropriate remedy because it would disproportionately harm black students currently attending Central Tech and other black students living in Western Azalea. Merger would be an appropriate remedy only in the absence of any other available educationally sound alternative and if it can be accomplished in a manner that increases, rather than decreases, educational opportunities for minority students. The State should also determine whether the new institutional missions of its reformed system establish sound educational reasons for maintaining two distinct institutions in Dogwood City. For example, if other systemic reforms bring high-profile, high-demand programs and a unique nonracial institutional mission to Central Tech, merger may not be necessary.

6. *Faculty Composition.*

Aspects of faculty composition of public postsecondary institutions in Azalea also are traceable to the segregated system and help to perpetuate its adverse effects on minority students. At TWIs, the percentage of full-time faculty who are minority is only approximately 2 percent. In contrast, at the HBCUs 60 percent of the faculty members are black. The Court finds that this pattern did not occur by chance and is not without effect on student enrollment decisions. As long as the faculties at TWIs are so disproportionately white, they are likely to be identified as white schools. Moreover, the testimony indicates that the paucity of blacks on the faculties at Azalea's TWIs may serve as a barrier to academic success for many minority students.

Several options are available to help remedy this situation. First, Azalea should provide incentives to TWIs to hire minorities. Second, Azalea should attempt to increase the number of "home-grown" minority Ph.D.'s it produces. Third, the State should rely on adjunct and visiting faculty to increase temporarily the minority presence at TWIs while more permanent efforts are pursued. Azalea's revised plan should include such measures and a realistic budget for each.

7. *Campus Climate.*

Like the overwhelmingly white faculties at the TWIs, other aspects of campus life survive from the days of segregation and continue to act as a deterrent to minority enrollment and a barrier to student success. Azalea must do all that it practicably can to improve the campus climate. Azalea should consider symposia, student activities, and services to educate majority faculty and students and to support minority students. One option for supporting minority students would be to hire advisers and mentors for minority students. Such advisers could provide social and academic support to promote increased college completion rates and postgraduate studies. Azalea should also consider adopting a "Freshman Year of Studies" program at its four-year colleges to counsel and advise all students and help them make the transition from high school to college life and academic work.

8. *Curriculum.*

Another aspect of campus climate at TWIs in Azalea also reflects the segregated system. The curriculum at Azalea State, for example, does not incorporate black thought, culture, and history. This deficiency, among other things, contributes to distance between races and feelings of isolation

among minority students. Together these factors deter minority enrollment and hamper student success.

Azalea should submit a detailed plan for the inclusion of the contributions of blacks and other minority groups throughout the curriculum.

9. *High School Recruitment.*

Azalea State and other TWIs have failed to recruit minority students, while they aggressively recruit white students. Similarly, Central and Azalea's other HBCUs aggressively recruit blacks while not actively seeking white applicants. This must change.

The basic remedy for this practice is obvious; each institution must recruit other-race students. In particular, the TWIs should recruit aggressively in predominantly black high schools. In addition, each institution should establish an other-race scholarship program. Such scholarships would both promote access to and diversity at all campuses. In addition, Azalea should consider offering more need-based scholarships. Because of demographics in the State, such scholarships would also help it overcome the effects of its discrimination against minority students.

10. *Inadequate Preparation.*

Both Azalea's elementary and secondary schools and its community colleges are disproportionately failing to prepare minority students adequately for college. By addressing itself to this failure in its elementary and secondary system (which may also be a vestige of segregation, see *supra* Note 1), Azalea can make even greater progress in desegregating its higher education system. Many of the possible linkages are consistent with other remedies described in this order.

For example, in reforming its admissions standards to rely to a greater extent on grades in core courses, Azalea should make clear what its expectations for student preparedness are and encourage all school districts to offer these key courses at all schools and for all students. Similarly, the State should coordinate its high school graduation and college admissions requirements and ensure that neither discriminates against minority students. In addition, the other-race recruiters discussed above (see *supra* Section 9) should coordinate with high school and middle school guidance counselors to ensure that they encourage minority students early in their educational careers to plan on college and think about TWIs as one of their options.

Short-term remedies may also be appropriate while the State undertakes the comprehensive reform contemplated in this order. These include, but are not limited to, after-school and weekend programs, special summer studies, and other enrichment efforts designed to ameliorate the effects of inadequate preparation.

The Court further finds that Azalea's two community colleges can contribute to its efforts to overcome what both parties acknowledge to be the inadequate preparation of many students, white and black. Furthermore, because one of these community colleges serves a predominantly black urban area, by producing better prepared minority students it could contribute substantially to diversifying the student enrollment of four-year institutions. However, to do this Azalea must ensure that its community colleges are more fully integrated into the system. Azalea should develop clear articulation agreements between its community colleges and its four-year institutions.

Today 60 percent of Azalea's total community college enrollment is black, while systemwide less than 15 percent of Azalea undergraduates are black. This statistic would not be troubling were it not for the fact that Azalea's community college students neither receive an education comparable to that at other institutions, nor transfer, in meaningful numbers, to four-year programs. The State, therefore, must enhance the effectiveness of community colleges in pursuing that part of their stated missions which makes them a gateway to four-year degrees.

THEREFORE it is hereby ordered that Azalea develop and submit a revised remedial plan, including budgets, that is consistent with the foregoing opinion,

IT IS FURTHER ORDERED that such plan shall be submitted to the Court no later than October 15, 1996,

IT IS FURTHER ORDERED that by July 1, 1996, and on July 1 of each succeeding year until further notice, the defendants shall jointly submit:

1. Student enrollment by race for the last three years for each institution:
 - a. in each academic program,
 - b. at each level;
2. Statewide average per-student expenditures by race for the last three years;
3. Degrees granted by race for the last three years for each institution:
 - a. in each academic program,
 - b. at each level;
4. A log of annual capital facilities expenditures for the last three years by institution;
5. The racial composition of the faculty at each institution and in each department for the last three years; and
6. An update of any remedial measures beyond those set forth in the State's revised plan that have been implemented.

AND IT IS FURTHER ORDERED that the plaintiffs' response to the revised remedial plan shall be filed by October 15, 1996, and that all parties shall appear before this Court on November 15, 1996.

Ordered this 15th day of January, 1996, in Dogwood City, State of Azalea.

APPENDIX C

PANEL
MEETINGS
AND HEARINGS

October 5 & 25, 1993

Meetings in Washington, D.C.

December 9, 1993

Meeting and Hearing in Norfolk, Virginia

February 9-10, 1994

Meeting and Hearing in Austin, Texas

March 31-April 1, 1994

Meeting and Hearing in New Orleans, Louisiana

April 6-7, 1994

Meeting and Hearing in Tampa, Florida

May 18-19, 1994

Meeting in Atlanta, Georgia

June 22-23, 1994

Meeting in Arlington, Virginia

September 19-20, 1994

Meeting in Chantilly, Virginia

December 15 & 19, 1994

Meetings in Washington, D.C.

February 24, 1995

Meeting in Washington, D.C.

SUPPLEMENTARY MEETINGS

February 16, 1994

Perspectives on Testing
Meeting in New York, N.Y.

February 28, 1994

State Perspectives on Data Needs: A Briefing for the Task Force
Meeting in Atlanta, Georgia

May 11, 1994

HBCUs and *Fordice*: A Discussion with Black College Presidents
Meeting in Washington, D.C.

HEARINGS ON EDUCATIONAL OPPORTUNITY AND POSTSECONDARY DESEGREGATION

Norfolk State University Norfolk, Virginia - December 9, 1993

Coexistence, Cooperation, and Growth

Harrison B. Wilson, President, Norfolk State University
Dana Burnett, Vice President for Student Services and
Dean of Students, Old Dominion University

Perspectives from the Pipeline — High School Preparation and Recruitment

Cora Salzberg, Coordinator of Better Information and
Retention Programs, Council of Higher Education,
Commonwealth of Virginia
Corey J. Bradley, Governor's High School, Richmond
Public Schools
Steve Dennis, Project Focus, Hampton Public Schools

Systemic Approaches to Preparation and Access

Gene R. Carter, Sr., Executive Director, Association for
Supervision and Curriculum Development; former
Superintendent of Schools, Norfolk, Virginia

Community Colleges and Minority Opportunity

Arnold R. Oliver, Chancellor, Community College
System of Virginia

Legislative Efforts

Yvonne Miller, State Senator, Commonwealth of
Virginia

Perspectives on Minority Admissions

Linda M. Clement, Director of Undergraduate
Admissions, University of Maryland at College Park
Rochell Peoples, Director of Admissions, University of
Maryland, Eastern Shore

Minority Identity in a Desegregated Environment

William P. Hytche, President, University of Maryland,
Eastern Shore

College Students' Views

Nick Jordan, Old Dominion University
Carleen Alford, Old Dominion University
Brion Battles, Norfolk State University
Rhonda Taylor, Norfolk State University

Vestiges Reconsidered

Andrea Hill Levy, University Counsel, Office of the
President, Legal Affairs, The University of Maryland
at College Park

Programs to Promote Minority Success in a Majority Environment

Paul H. Mazzocchi, Dean, College of Life Sciences,
University of Maryland at College Park
Richard May, Banneker Scholar, University of Maryland
at College Park

State Policies and Programs

Robert L. Belle, Jr., Coordinator for Affirmative Action
Programs, Council of Higher Education, Common-
wealth of Virginia

Texas State Capitol Austin, Texas - February 10, 1994

Latino Access: Barriers and Recommendations

Albert Cortez, Director, Institute for Policy and
Leadership, Intercultural Development Research
Association, San Antonio, Texas
Frank Bonilla, Executive Director, Inter-University
Project for Latino Research, Centro para los Estudios
Puertorriqueños, Hunter College, New York, New
York

Ensuring Equity

Al Kauffman, Attorney, Mexican-American Legal
Defense and Educational Fund, San Antonio, Texas

Policies and Programs to Promote Minority Access and Retention

Betty James, Assistant Commissioner for Access and
Equity, Texas Higher Education Coordinating Board,
Austin, Texas
Rosario Martinez, Founding Director, The Aldine
Center, North Harris College, Houston, Texas

Improving Minority Performance

Amaury Nora, Associate Professor, College of
Education, University of Illinois at Chicago

Views on Climate at a Flagship University

Terry A. Wilson, Associate Director of Public Affairs,
University of Texas, Austin

Mercedes de Uriarte, Professor of Journalism, University
of Texas, Austin

Eric Bradley, President, Student Association, University
of Texas, Austin

Christina Ibarra, Movimiento Estudiantil Chicano de
Aztlán, University of Texas, Austin

Dianira Salazar, Movimiento Estudiantil Chicano de
Aztlán, University of Texas, Austin

Improving Financial Aid; Policies and Programs

Ed Codina, Hispanic Association of Colleges and
Universities, San Antonio, Texas

College Students' Views

Elsa Garcia, University of Texas at Brownsville

Viviana Huerta, Southwest Texas State University

Hector R. Negrete, Southwest Texas State University

Eileen Ochs, University of Texas at Brownsville

Le Meridien Hotel

New Orleans, Louisiana - April 1, 1994

PERSPECTIVES ON CAMPUS CLIMATE

The University of North Carolina, Chapel Hill

Harry Amana, Associate Professor of Journalism

Michael Jennings, Graduate Student, Department of
Political Science

Theresa Williams, Undergraduate Student

University of Texas, El Paso

Henry Ingle, Chair, Department of Communications

James Jancu, Undergraduate Student

Beto Lopez, Interim Director, External Relations

Virginia Commonwealth University

Derrick Broadway, Graduate Student, School of
Dentistry

Michael Pyles, Associate Professor of Gerontology and
Health Administration

Horace Wooldridge, Director of Admissions

Prairie View A&M University

Gerald Ladig, Ethnic Recruitment Counselor

Sharon Marshall, Assistant Director of Admissions

Imran Majumder, Undergraduate Student; President,
International Students Association

Kenna Young, Undergraduate Student; President,
Student Government Association

The University Center, University of South Florida, Tampa, Florida - April 7, 1994

COMMUNITY COLLEGES AND MINORITY OPPORTUNITY

Minority Opportunity; Systemic Issues

Betty Castor, President, University of South Florida

The Community College: A Double-Edged Sword

Steven Zwerling, Program Officer, Education and Culture,
The Ford Foundation

Promoting Articulation

Jack Crocker, Associate Dean of Academic Studies and
Director of Community College Relations, University
of South Florida

Policies and Programs that Facilitate Minority Access to Four-Year Institutions

Jon Alexiou, Vice President for Education, Miami-Dade
Community College

Student Views

Miesha Agee, Hillsboro Community College

Aleen Atkins, The University of South Florida

Brismayda Chirino, Hillsboro Community College

Erron Osbourne, Miami-Dade Community College

Claudia Tapia, Florida International University

Derrick Rodriguez, The University of South Florida

Ron Sheehy, The University of South Florida

APPENDIX D

PRESENTERS TO THE PANEL AND MEETING PARTICIPANTS

Elaine Adams

President, Northeast College
Houston Community College System
Houston, Texas

John Borkowski, Esq.

Hogan and Hartson
New Orleans, Louisiana

Marc Brenman

Branch Chief, Program Operations Division
U.S. Department of Education, Office for Civil Rights
Washington, D.C.

Camille T. Brown

IPEDS Coordinator/Sr. Systems Analyst
South Carolina Commission on Higher Education
Columbia, South Carolina

Trevor G. Bryan, Esq.

Bryan, Jupiter, Lewis & Blanson
New Orleans, Louisiana

Nancy Burton

Educational Testing Service
Princeton, New Jersey

James A. Cailler

System President for State Colleges and
Universities of Louisiana
Baton Rouge, Louisiana

Patrick Callan

Executive Director, The California Higher
Education Policy Center
San Jose, California

Donald J. Carstenson

Vice President, Education Services Division
American College Testing
Iowa City, Iowa

Kenneth Dalley

Assistant Director
Texas Higher Education Coordinating Board –
Administrative Division
Austin, Texas

Nathaniel Douglas, Esq.

Chief, Educational Opportunities Litigation Section,
Civil Rights Division
U.S. Department of Justice
Washington, D.C.

Melissa L. Goff

Research Analyst, Arkansas Department of Higher
Education
Little Rock, Arkansas

Walter Haney

Center for the Study of Testing, Boston College
Chestnut Hill, Massachusetts

Patty Hill

Information Systems & Research
Columbus, Ohio

Cathie Hudson

Assistant Vice Chancellor for Research
Georgia Board of Regents
Atlanta, Georgia

Sylvia Hurtado

University of Michigan
Ann Arbor, Michigan

Roslyn Korb

Senior Statistician, National Center for Education
Statistics
U.S. Department of Education
Washington, D.C.

Jeanette J. Lim, Esq.

Director, Policy, Enforcement, and Program Service
U.S. Department of Education, Office for Civil Rights
Washington, D.C.

James E. Lyons, Sr.

President, Jackson State University
Jackson, Mississippi

Joseph L. Marks

Associate Director for Data Services, Southern
Regional Education Board
Atlanta, Georgia

Thomas Mortenson

Postsecondary Education Opportunity
Iowa City, Iowa

Trer Ott

State Council of Higher Education for Virginia
Richmond, Virginia

Faith Paul

President, The Public Policy Research Consortium
Northbrook, Illinois

Haskin Pounds

Vice Chancellor for Research, Georgia Board of
Regents
Atlanta, Georgia

Laura Rendon

Associate Research Professor, Arizona State University
Tempe, Arizona

Earl S. Richardson

President, Morgan State University
Baltimore, Maryland

Thomas Satterfiel

Vice President, Research Division
American College Testing
Iowa City, Iowa

Bill Smith

Mississippi Institutes of Higher Learning
Jackson, Mississippi

David Spence

Executive Vice Chancellor, University System of
Florida
Tallahassee, Florida

Joseph Szutz

Vice Chancellor for Research, Georgia Board of
Regents
University System of Georgia
Atlanta, Georgia

Larry Tremblay

Assistant Commissioner for Planning and Research,
Louisiana Board of Regents
Baton Rouge, Louisiana

Mattielyn Williams

Tennessee Higher Education Commission
Nashville, Tennessee

Harrison B. Wilson

President, Norfolk State University
Norfolk, Virginia

Reginald Wilson

Senior Scholar, American Council on Education
Washington, D.C.

Daryl Wright

Administrator, Information Systems & Research
Columbus, Ohio

APPENDIX E

COMMISSIONED PAPERS

1. **Gail E. Thomas**, "Race Relations and Campus Climate for Minority Students at Majority and Minority Institutions: Implications for Higher Education Desegregation" (April 1994).
2. **Edgar G. Epps**, "Minority Student Access To Four-Year Colleges and Universities in Selected Southern States: Policy Options" (January 1994).
3. **Mildred Garcia**, "Performance and Persistence of Minority Students: Options and Alternatives" (March 1994).
4. **Michael T. Nettles**, "Student Achievement and Success After Enrolling in Undergraduate Public Colleges and Universities in Selected Southern States" (February 1994).
5. **Michael T. Nettles**, "Minority Student Access to Public Undergraduate Colleges and Universities in Selected Southern States" (February 1994).
6. **Michael T. Nettles**, "Minority Representation Among Public College and University Degree Recipients, Faculty and Administrators" (March 1994).
7. **Michael T. Nettles**, "Trends in Student Tuition and Fees and State Appropriations for Public Colleges and Universities in Selected Southern States" (June 1994).
8. **Michael T. Nettles**, "Trends in Student Interest in Graduate Education and Performance on the Graduate Record Examination" (June 1994).

Credits

Photos

Cover	Masterfile
Page 1	Dale D. Gehman
Page 19, 35	Susie Fitzhugh
Page 25	Sean Smith
Page 43	University of Georgia

Design and production

Alba Communication Associates, Inc.

Printing

Color Graphics, Inc.

